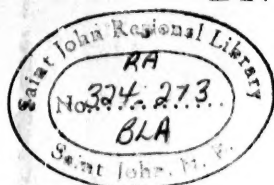


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INVESTIGATION
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DR. ATKINSON

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HONORABLE A. G. BLAIR

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EIGHTH DAY OF APRIL, 1890.

NOT TO BE TAKEN FROM THE ROOM

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INVESTIGATION

Into the Charges Preferred by Dr. Atkinson Against the Honorable A. G. Blair on the Eighth day of April, A. D., 1890.

COMMITTEE ROOM, HOUSE OF ASSEMBLY,

NINTH DAY OF APRIL, A. D. 1890.

The Committee appointed to investigate the charges preferred by Dr. Atkinson, a member of the House, against the Honorable A. G. Blair, met this ninth day of April, 1890, at ten p. m.

Present: Hon. Mr. Mitchell, Mr. Wilson, Dr. Atkinson, Mr. Phinney and Mr. Hetherington.

Hon. Mr. Mitchell takes the chair.

On motion of Mr. Mitchell, Mr. Wilson was requested to act as Chairman.

Mr. Wilson takes the chair.

On Motion of Hon. Mr. Mitchell, seconded by Mr. Hetherington,

Resolved, That Mr. W. H. Fry be appointed as Official Reporter of the proceedings of this Committee.

On Motion of Hon. Mr. Mitchell, seconded by Dr. Atkinson,

Resolved, That Mr. Richards act as Secretary to the Committee.

Moved by the Hon. Mr. Mitchell, seconded by Mr. Phinney,

Resolved, That the Reporter be instructed to make seven copies of the resolution referred to the Committee by the House.

Dr. Atkinson asks permission to be heard by Counsel, and asks that Mr. Hanington be such Counsel. Leave granted. The Chairman then reads the resolution referred to Committee as follows:

On motion of M. C. Atkinson, seconded by Mr. Turner,

Resolved, That M. C. Atkinson, a member of this House, having stated in his place that he is credibly informed and believes that he can establish by satisfactory evidence that in anticipation of the General Provincial Elections held in January last, an agreement or arrangement was entered into by the Honorable Andrew G. Blair, Attorney General and leader of the Government, and one James D. Leary and other persons interested in the making by and procuring from the Government to said J. D. Leary a contract for the construction of

docks and harbor improvements in the City of Saint John, whereby the said J. D. Leary, by himself and his agents, or such other persons agreed to furnish a large sum of money to assist and aid the said Andrew G. Blair and his colleagues in securing their elections, and the election of some of his supporters in consideration that the Provincial Government would enter into and deliver to the said J. D. Leary, or in his name, a contract for the construction of certain dock and harbor improvements in the said City of Saint John: That the Honorable Andrew G. Blair, under the said arrangement did by himself and his agents, receive from the said J. D. Leary and his agents a large sum of money, to-wit: Several thousands of dollars to aid him and his supporters in the elections at the said General Election on the understanding that the said J. D. Leary should receive the contract for said docks and works, and the contract between the government and the said J. D. Leary for said docks and works, dated the seventeenth day of January last, was delivered to said J. D. Leary's agent, or some one or other person aforesaid, alleged as interested in said contract, upon such payment being made and in consideration thereof and in connection therewith;

And Whereas, The said Andrew G. Blair is desirous that the said Committee be appointed without delay, and the inquiry into the said charge proceeded with immediately;

Therefore Resolved, That a committee consisting of five members of this House be appointed to inquire into the said charge against the said Andrew G. Blair, and into all the facts and circumstances connected with the matter of the said charge, with power to send for persons, papers and records, and to examine witnesses under oath agreeably to the provisions of the Statute and Act of Assembly in such case made and provided, and all other powers thereunto belonging, and with instruction to report in full the evidence taken before the Committee and their opinion thereupon and all the proceedings of said Committee.

Ordered that seven copies of the evidence be furnished the Committee.

Mr. Hanington submitted a list of the following witnesses, and asked that subpoenas be issued for their attendance:

M. George Murphy, of the firm of Kelly & Murphy, St. John.

John Kelly of the same firm.

George I. Gunter of Fredericton.

William Berry, formerly a clerk to Mr. Gunter, of Fredericton.

Jeremiah H. Barry of Fredericton.

Moved by Mr. Phinney, seconded by Mr. Hetherington, that the

subpoenas for said Kelly and Murphy be issued immediately, and sent to the Sheriff of Saint John; and that the Secretary wire the Sheriff of Saint John that such subpoenas would be in the mail and to have them served immediately, and for the Sheriff of Saint John to wire the Secretary immediately on the service of said subpoenas.

Mr. Mitchell moved, seconded by Mr. Hetherington, that subpoenas be issued to all the parties named returnable on Friday next at ten a. m.

The Committee then adjourned to meet at ten a. m. on Friday, April 11th.

COMMITTEE ROOM,

FRIDAY, APRIL 11th, A. D. 1890,

Met pursuant to adjournment at ten a. m.

Present: Mr. Wilson, Chairman; Hon. Mr. Mitchell, Mr. Hetherington, Mr. Phinney and Dr. Atkinson.

The minutes of last meeting were read and confirmed.

Dr. Pugsley requested leave to appear as Counsel for Mr. Blair. Leave granted.

The Secretary then read the following papers:

"St. JOHN, N. B., April 10, 1890.

"To JOHN RICHARDS:

"Deputy served Kelly 11 o'clock. Murphy in Sussex. Expected down this afternoon. Will be at train to meet him. Kelly demands expenses. Have sent him five dollars. Shall I increase it. Also how much to Murphy if see him.

JAS. A. HARDING."

"St. JOHN, N. B., 10th April, 1890.

"DEAR SIR,—I received yours enclosing subpoenas for Messrs. Kelly and Murphy. I sent Mr. Rankine off at once to serve the same. At five minutes to 11 o'clock he found him and gave him the subpoena addressed to him, and he spoke about expenses. I sent a \$5 note over and he said it was not enough. On receipt of your telegram I gave Mr. Rankine another \$5 to give him. Mr. Murphy is, I am told, at Sussex or up the line, as we call it here, and is expected down this p. m., and he will then be served and \$10 given him for his expenses. Hoping to possibly be able to write more fully later on and to then send you full returns.

"I am yours, with respects,

JAMES A. HARDING."

JOHN RICHARDS, Esq., House of Assembly,"

and stated to the Committee that acting under instructions he had wired the Sheriff to tender Mr. Kelly and Mr. Murphy such reasonable expenses as he thought would be right.

The Secretary, in response to Mr. Hanington, stated that all the witnesses were present except Mr. Murphy.

Mr. Hanington said he did not wish to delay the proceedings of the Committee; but the gentleman whom he wished to first examine was not present, and therefore under his instructions he would ask that Committee should not proceed to examine witnesses till after the examination of Mr. Murphy.

Hon. Mr. Mitchell moved, seconded by Mr. Hetherington, that the Committee proceed at once with the examination of witnesses.

Mr. Hanington said that as the witness he had first asked to be subpoenaed was not present, and as he desired to proceed with the examination, in that course most reasonable to substantiate the charge made, he should be allowed the liberty of calling the witnesses and laying the foundation of the evidence as he thought best. Were the witnesses to be examined in any other course, it would affect and would prejudice the enquiry, and he therefore objected to being forced to take witnesses out of the order planned out.

Mr. Pugsley said that as the matter had been brought on at a late stage of the session, it was desirable there should be no delay in proceeding to examine the witnesses. Mr. Hanington could at any stage of the proceedings, if he found he had not fully examined any witness, bring the matter to the attention of the Committee when they could deal with it in the exercise of their discretion but he must object to any delay.

Mr. Phinney said that the question as to the period of time at which the Committee sat in the session had nothing to do with the question. The question was one of importance as to the order in which witnesses should be called, and he believed that the proper course to pursue would be to adjourn till the arrival of Mr. Murphy. The present hearing was not like that in a court of law where fourteen days notice of trial was given and where the Counsel could command the attendance of witnesses at a certain stage of the case. Here the matter was being hurried too much, and he should feel disposed to permit the delay necessary to obtain the witness first required by Mr. Hanington.

Mr. Mitchell expressed his view as being in favor of proceeding immediately.

Mr. Hetherington similarly expressed himself.

The question having been debated for some time,
Mr. Phinney moved, seconded by Dr. Atkinson, the following amendment:

Whereas, The prosecutor, Mr. Atkinson, and his Counsel have stated to the Committee that they desire to call Mr. M. George Murphy as the first witness for the prosecution, and that the said Murphy is not present because of his having been subpoenaed only last evening, and that the prosecution will be prejudiced by being forced to proceed with the testimony of other witnesses in the first instance;

Therefore Resolved, That the investigation be further adjourned till this evening at 8 o'clock in order that an opportunity may be given the prosecution to place the said M. G. Murphy on the stand as their first witness if he be then in attendance.

The amendment on being put was lost. There appearing in favor Messrs. Phinney and Atkinson and against it Messrs. Mitchell and Hetherington — the Chairman casting his vote against the amendment.

The original motion being put was carried by the same vote reversed.

GEORGE I. GUNTER, *called, Sworn and Examined by Mr. Hanington*:

Ques.—You reside in Fredericton, I think? Ans. I do.

Ques. How long have you lived here?

Ans. I have lived here about forty years.

Ques. What is your business? Ans. I keep a livery stable.

Ques. What part of the town is your livery stable in?

Ans. On Queen Street, just opposite the City Hall.

Ques. Was that your business on the 16th and 17th of January last? Ans. Yes.

Ques. You have in connection with your business an office have you not? Ans. Yes.

Ques. And a safe? Ans. Yes.

Ques. Do you know Mr. M. George Murphy, of the firm of Kelly & Murphy, of St. John? Ans. I do.

Ques. How long have you known Murphy?

Ans. I should think probably about ten years.

Ques. Calling your attention to the sixteenth and seventeenth of January last: you remember the election, do you not, that was held in York County? Ans. I do.

Ques. The gentlemen running this County at that time on the government ticket were? Ans. Mr. Blair, Mr. Wilson.

Ques. That is the Chairman? Ans. Yes, that is the gentleman here and Mr. Bellamy and Mr. Anderson.

Ques. They were the gentlemen elected? Ans. I believe so.

Ques. There was an opposition to them in that election—it was a contested election, was it not? Ans. Yes.

Ques. Who were the candidates opposed to them? Ans. George F. Gregory and William Allen.

Ques. Was the Mr. Murphy whom you refer to at your place on the 16th and 17th January last—I now mean the Mr. Murphy who is a member of the firm of Kelly & Murphy, St. John?

Ans. I could not say.

Ans. About that time? Ans. I cannot say in regard to the date.

Ques. Was he the week before the election? Ans. I think he was.

Ques. Have you any doubt about it? Ans. He was here.

Ques. And he came to your place? Ans. Yes.

Ques. Did he ask the privilege of putting any parcel into your safe?

Ans. He asked me to take care of a parcel for him.

Ques. That parcel consisted of what? Ans. I do not know what it was.

Ques. A valuable parcel was it not? (Objected to on the ground that witness had already stated he did not know what it was). Mr. Hanington presses question.

Ans. I suppose so, I imagined it was.

Ques. Did you understand from him what it was—whether it was a valuable parcel or not? Ans. I took it, it was.

Ques. From what he said to you?

Ans. I could not repeat what he said to me.

Ques. Did you understand from him it was a valuable parcel?

Ans. I thought it was.

Ques. From what he said? Ans. Yes, I took it to be so.

Ques. About what size was the parcel?

Ans. I do not know exactly. I did not pay very much attention to it. It might probably be six inches square, or like that. Just an ordinary parcel. I did not take any particular notice of the size of it at the time.

Ques. What time of day did he put that parcel into your safe?

Ans. I think in the evening.

Ques. What time in the evening? Ans. I could not say.

Ques. About what time? Ans. It was after tea.

Ques. Did he tell you where he came from?

Ans. I do not think he did.

Ques. Did you understand from him where he had come from?

Ans. No, I did not ask him.

Ques. Did you or did you not understand from where he had come from? Ans. No, I did not.

Ques. (By the Chairman.) Did I understand you to say that you fixed the time he was there? Ans. No, I did not.

Ques. (By Mr. Hanington.) Except that it was the week before the election? Ans. I do not know the time.

Ques. Are you positive it was in the week before the election?

Ans. I know it was before the election.

Ques. Do you not know it was the week before the election?

Ans. No, I will not be really positive it was a week before the election. I do not pay attention to everything of that kind.

Ques. Have you any doubt of it?

Ans. About it being a week before the election?

Ques. Yes? Ans. I am not positive about it.

Ques. Have you any doubt about it? (Objected to mode of examination — question already fully answered — question not pressed).

Ques. That stayed in your safe until when? Ans. I do not know.

Ques. Did it stay there all night? Ans. I imagine it did.

Ques. You did not see it taken out — that is what you mean?

Ans. No, I did not see it taken out.

Ques. How soon after it was taken out did you know of it?

Ans. I was out of town that day, and my clerk, Willard Berry, was there then I think. I was not there.

Ques. Did you go anywhere with Murphy? Ans. Yes, I think I did.

Ques. I mean the day he came there? Ans. Yes, I did.

Ques. Where did you go? Ans. We went to Blair & Barry's office.

Ques. Who requested you to go?

Ans. He asked me to show him the way to Blair & Barry's office.

Ques. You went there, did you? Ans. Yes, I did.

Ques. Is that the Attorney General Blair's office? Ans. Yes.

Ques. And Mr. Barry? Ans. Yes.

Ques. They are in partnership, are they not?

Ans. They are said to be.

Ques. They do business together?

Ans. So they say, but I don't know; I never did any business with them.

Ques. It is so, is it not? Ans. I am told so and believe so.

Ques. That is to the Attorney General's office where you went?

Ans. Yes.

Ques. He told you he wanted to see the Attorney General? (Mr. Pugsley interposes — witness did not say so.)

Ans. No, he did not.

Ques. What did he tell you? Ans. He wanted to find the office.

Ques. That is the Attorney General's office? Ans. Yes.

Ques. And you took him down and shewed it to him? Ans. I did.

Ques. Did you introduce him to anybody? Ans. No.

Ques. You shewed him Blair & Barry's office? Ans. Yes, I did.

Ques. Who was there?

Ans. I think some young gentleman was there sitting inside the first door you go into.

Ques. Was Mr. Barry there?

Ans. No, I don't know that he was there.

Ques. Do you mean that you have forgotten? Ans. I did not go in

Ques. Are you sure about that?

Ans. I do not recollect going in. I might have gone in, but I have no recollection of it. I have no recollection of Mr. Barry being there, however.

Ques. Have you no recollection of seeing Barry there at all?

Ans. I have not.

Ques. Neither that day nor next day? Ans. No, I have not.

Ques. Were you in the office that day?

Ans. I do not know whether I went inside the door or not.

Ques. Were you in the office the next day?

Ans. Not that I recollect.

Ques. I am speaking of Blair & Barry's office or any part of it — were you there the next day? Ans. Not that I recollect of.

Ques. Had he put this parcel into the safe before he went to Barry's office, or did he take it to Blair & Barry's office?

Ans. He put it in the safe.

Ques. For how long. Did he tell you? Ans. He did not say.

Ques. It was to be in the safe how long?

Ans. He said to put it into the safe for safe-keeping, but he did not say for how long it was to stop there.

Ques. Did he say anything was to happen before he took it away?

Ans. No, he did not.

Ques. You will swear that will you? Ans. Yes, I do.

Ques. Will you swear you did not introduce him to Barry yourself?

Ans. No, I did not. I have no recollection about it.

Ques. You have no recollection of that? Ans. No.

Ques. Did you not understand, at any time, that he wanted to see Mr. Blair or Mr. Barry in connection with the parcel? Ans. No.

Ques. You don't know of that? Ans. No.

Ques. How long did he want it left in the safe?

Ans. Until he called for it.

Ques. Was he back in your office again? Ans. Not that I know of.

Ques. I mean at your place?

Ans. He might have been and me not there.

Ques. Was he there? Ans. Not to my knowledge.

Ques. You did not see him? Ans. I did not.

Ques. Then if I understand you rightly, you swear you were never down at Blair & Barry's office with him except just as you stated?

Ans. Just so.

Ques. Yes?

Ans. That is what I stated. I was never there, but that time I spoke of, with him.

Ques. Do you know at what time he left town? Ans. No, I don't.

Ques. Did he tell you at any time what he did with that parcel?

Ans. No.

Ques. Did he tell you he was waiting for a message from any person? Ans. No.

Ques. Was the subject of any papers spoken of to you?

Ans. Not to me.

Ques. To any one in your presence?

Ans. No, none at all — no one that I know of nor have I heard anything of that kind.

Ques. Do I understand you rightly when I say that he came to your office and asked you to put that parcel in your safe and then told you he wanted to go to Blair & Barry's office? Ans. Yes.

Ques. Will you swear he did not say he wished to see the Attorney General? Ans. It was Blair & Barry's office.

Ques. He did not use Mr. Blair's name except in that connection?

Ans. No.

Ques. He wanted you to show it to him right away?

Ans. I don't know that he said right away.

Ques. But you went right away? Ans. Oh, no.

Ques. Well, you perhaps locked the safe in the office and then went right away with him? Ans. Yes.

Ques. How long was that after he came to your office?

Ans. It might be ten minutes or half an hour.

Ques. You cannot give us any idea which it was? Ans. No.

Ques. So far as you know that was his only business in town, that is to see Blair & Barry's office? Ans. That's so.

Ques. When he got through with the business at that office so far as you knew his business was done here? Ans. Yes, so far as I know.

Ques. That is what you understood from him? Ans. Yes.

Ques. Do you not know that he did not get through till the next day? Ans. No.

Ques. Did you hear that Attorney General Blair was out electioneering that day or not?

Ans. I do not know and I do not know that I heard it.

Ques. You did not tell Mr. Murphy so, did you? Ans. No.

Ques. Will you swear that? Ans. Certainly I will swear it.

Ques. When did you first miss this parcel from your safe?

Ans. My young man told me he had given it to him.

Ques. To whom? Ans. To Mr. Murphy.

Ques. That is Mr. Berry told you so? Ans. Yes.

Ques. What time did he tell you that?

Ans. I do not know, I would not be positive about the time.

Ques. Will you swear he did not tell you that he gave it to Mr. Murphy the next day? Ans. No, I would not swear he did not say that.

Committee adjourned at ten minutes past twelve, p. m.

The Committee resumed at three forty, p. m. The members of the Committee being all present.

Examination of George I. Gunter continued by Mr. Hanington.

Ques. This forenoon you told us that you could not remember, if I remember it correctly, what time in the afternoon or evening Mr. Murphy came to see you — would you tell me now as near as you can?

Ans. I told you it was after tea, I think.

Ques. What time was it?

Ans. It was after tea some time during the evening.

Ques. Then you told us that within ten minutes or within half an hour you went down to Blair & Barry's office with him — that is correct, is it not? Ans. Yes.

Ques. The same evening? Ans. The same evening.

Ques. Did he tell you what train he came in? Ans. No.

Ques. Did you understand from him what train he came on?

Ans. No, I did not.

Ques. If he came in the evening at what time would the train arrive? Ans. Somewhere in the vicinity of seven o'clock.

Ques. In the evening? Ans. Yes.

Ques. When he came up to your office did he tell you where he stopped? Ans. No.

Ques. Did he tell you whether he had been to the hotel or not?

Ans. No, he did not — not that I have any recollection of.

Ques. Then you went with him, you say, to Blair & Barry's office?

Ans. Yes.

Ques. You found some people in there? Ans. I think there was.

Ques. But you have already said there was? Ans. Yes.

Ques. Well, have you any doubt about it?

Ans. I think there was.

Ques. Whether Mr. Barry was there or not, you do not know?

Ans. I cannot recollect whether he was there or not.

Ques. How is the Attorney General's office arranged there — you know his office well? Ans. I have been in it, but I don't know if I could describe it very correctly.

Ques. When you go in there first, does Blair & Barry sit in the same room ordinarily? Ans. I do not know.

Ques. You have seen Barry sitting there in his office?

Ans. I have seen him in the outside office.

Ques. Have you seen him sitting at a desk in his office at any time within the last six months. Do you know where he sits in the office?

Ans. No.

Ques. Where was he sitting when you saw him?

Ans. In the first room.

Ques. You were in the first room that evening? Ans. Yes.

Ques. Then do you mean to tell me you do not know whether Barry was there or not? Ans. I am not positive whether he was there or not. I cannot recollect.

Ques. You went down to introduce him to Blair & Barry?

Ans. I went down to show him Blair & Barry's office.

Ques. Did he know Mr. Barry?

Ans. I do not know. I don't think so.

Ques. Did you not understand from him that he did not know him?

Ans. I would not be positive.

Ques. What do you think about it?

Ans. I do not know whether he knew him or not.

Ques. Did you understand from him whether he knew Mr. Blair or Mr. Barry, or either one of them? Ans. No, I did not.

Ques. Did you understand from him whether he did know Mr. Blair and Mr. Barry, or either of them? Ans. No, I did not.

Ques. Then he wanted to be acquainted with them?

Ans. I don't know.

Ques. Do you say he did not give you to understand he wanted to be introduced to them? Ans. No, I did not.

Ques. Now, don't you know he did?

Ans. No, I don't know he did.

Ques. Then all he wanted to be done was to shew him the office; then why did you go into the office; did you not see a young man there? Ans. Yes, I did.

Ques. Where did you see him?

Ans. I could see him through the door or through the window for that matter.

Ques. But you said you went into the office a moment ago?

Ans. I am not positive whether I went into the building or not.

Ques. Your memory is bad as to that?

Ans. My memory is good as ordinarily.

Ques. You do not know whether you went into the office or not?

Ans. I am not positive whether I went into the office or not.

Ques. Do you tell us that you did not understand from him that he did not know these gentlemen?

Ans. I forgot whether he made any mention of that or not.

Ques. He told you he had business with them?

Ans. He went to find their office.

Ques. To do business with them? Ans. I do not know.

Ques. Did you not understand it was on business he wanted to see them? Ans. I took him down there.

Ques. That night — you took him right down? Ans. Yes.

Ques. And you now swear you don't know whether you took him into the office or not? Ans. I am not positive about it.

Ques. I think you know them well, both Mr. Blair and Mr. Barry?

Ans. I am acquainted with them some.

Ques. Well? Ans. I am acquainted with them certainly.

Ques. You have known the Attorney General since he was a boy?

Ans. Yes.

Ques. Twenty years. Ans. Yes.

Ques. How long have you known Mr. Barry. Some eight or ten years, have you not? Ans. Yes, I have.

Ques. And know them well?

Ans. I know them to meet them and speak to them, that is all.

Ques. You have seen them in their office and in business and you know them as citizens here?

Ans. I do not think I was in their office half a dozen times in my life.

Ques. But you know them well? Ans. Certainly I know them.

Ques. And you tell me you went there with him without any idea of introducing him?

Ans. I do not think I went down with him to introduce him.

Ques. Will you swear you did not? Ans. No, I will not.

Ques. Do you not know that you went down there for that purpose?

Ans. I do not know that I went down there for that purpose. I went down for the purpose of shewing him their place of business.

Ques. Then you say that you did not go with him to do anything but for the purpose of shewing him their place of business, and no idea of introducing him to them at all? Ans. That is right.

Ques. Did you understand that he did not personally know them?

Ans. I rather think he told me that.

Ques. That he did not know them personally? Ans. I think so.

Ques. And therefore he would want to be introduced to them?

Ans. I wanted to show him their office.

Ques. Did you not know he wanted to see them on business?

Ans. I imagined he wanted to see them on business.

Ques. And you knowing them yourself, and going with him, would it not be in your mind that he wanted to be introduced to them?

Ans. I do not know; if they came in my way there I would introduce him, certainly.

Ques. How far is it from your place to their office?

Ans. It is about a square from their place to mine — around the corner.

Ques. About what time in the evening was that?

Ans. Probably about eight o'clock or so.

Ques. When you went around there did you go into the building or not? Ans. I am not positive whether I went into the building or not.

Ques. Did you see Mr. Murphy again that evening? Ans. No.

Ques. Did you see him the next day?

Ans. Not that I know of.

Ques. Not that you remember you mean; then you did not see him before he went away? Ans. Not that I recollect of.

Ques. Did you go anywhere else with him? Ans. No.

Ques. Who else was in the office beside this young man; do you know? Ans. No, I don't.

Ques. You did not see Mr. Murphy with any other person that you remember that day? Ans. No.

Ques. I mean except in your own office? Ans. No.

Ques. Nor the next day? Ans. Nor the next day.

Ques. You run a livery stable? Ans. Yes.

Ques. Do you not also run an express office? Ans. Yes.

Ques. Why did you not tell me that before dinner?

Ans. You did not ask me.

Ques. Then it appears that unless I ask you a direct question you will not answer; why did you not answer that when I asked you what your business was? Ans. That has been my business of late dates.

Ques. I asked you your business on the 16th and 17th January, and you told me you kept a livery stable? Ans. Yes.

Ques. Now it appears you also keep an express office?

Ans. Yes, I do.

Ques. You take charge of valuable parcels in connection with that business? Ans. Yes.

Ques. And that is one reason why you keep a good safe?

Ans. Yes, it is.

Ques. And when you receive valuable parcels into your safe for safe keeping you put them into that safe? Ans. Certainly.

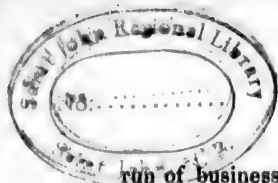
Ques. You did that with this parcel in that way? Ans. Yes.

Ques. When you received this parcel did you put it into the safe or did he?

Ans. I did; I took it from him and put it into the safe before going to Blair & Barry's office.

Ques. Having taken it from him, and put it into your safe, you became responsible for its safe keeping? Ans. I suppose so.

- Ques. That is part of your business? Ans. Yes.
- Ques. Then this parcel did not come by express? Ans. No.
- Ques. It came by the gentleman bringing it himself, and depositing it there, in this way? Ans. Yes.
- Ques. You took it into your hands from him? Ans. Yes.
- Ques. You put it in their accountable for its value? Ans. Yes.
- Ques. And took charge of it that way? Ans. Yes.
- Ques. And yet you told me before dinner you did not know whether money or not was in it; now tell me whether or not in the course of business you do not ask as to its value?
- Ans. I asked him if it was valuable, and he said it was.
- Ques. What value? Ans. He did not say.
- Ques. You asked him if valuable, and he said it was? Ans. Yes.
- Ques. Will you swear you did not ask him anything as to the value of it? Ans. No.
- Ques. Not the slightest? Ans. No.
- Ques. Was there any mark upon it to show its value?
- Ans. No mark upon it that I seen.
- Ques. No figures upon it? Ans. No, not to my knowledge.
- Ques. I am speaking of the parcel you got from Mr. Murphy, which you became responsible for — you told me you had no idea from its shape or anything upon it what its value was, is that what you say?
- Ans. No, not the slightest.
- Ques. And you took no means to ascertain? Ans. No.
- Ques. He told you it was valuable, did he not?
- Ans. I do not think he put any emphasis upon it.
- Ques. I did not ask you about that; I ask you if he did not tell you it was a valuable parcel — a very valuable parcel?
- Ans. I don't think he did. He said it was a valuable parcel.
- Ques. He wanted it kept for how long? Ans. Till he called for it.
- Ques. He did not say the exact time? Ans. No.
- Ques. When did he say he would probably call for it?
- Ans. He did not say.
- Ques. You took it and became responsible for it and that it should be given to him when he called for it? Ans. Yes.
- Ques. Can you not tell the Committee whether it was worth \$1 or \$8,000 or can you? Ans. No, just so.
- Ques. And that is the usual way you do business?
- Ans. Well, this was something out of the usual way and ordinary



run of business. A parcel coming by express generally has the value put upon it, and they send bills and things that put the value upon it, but we don't open them to see.

Ques. Ordinarily you would get information as to its contents?

Ans. If it is marked upon it.

Ques. If I went in there with a package of money would you not ask me how much was in it?

Ans. Yes; and put it on the outside of it.

Ques. This was not in the ordinary way? Ans. No.

Ques. Did it not come for safe keeping? Ans. Yes.

Ques. You gave no receipt for it? Ans. No.

Ques. When that went, or who delivered it, you do not know of your own knowledge? Ans. No.

Ques. Did Berry tell you he had delivered it? Ans. Yes.

Ques. He is clerk to you? Ans. Yes.

Ques. He had instructions to give it up? Ans. Yes.

Ques. Did not Mr. Murphy tell you that he did not want it until the business was satisfactorily arranged? Ans. He did not.

Ques. Or no words like? Ans. No, he did not to my knowledge.

Ques. You will swear he never used a word as to that or when he would probably want it? Ans. Not to my knowledge.

Ques. He never spoke of any business he was here upon? Ans. No.

Ques. You understood from him when he was leaving there that it was to Blair & Barry's he was going and after that he would want the money sometime? Ans. He said nothing about it to me.

Ques. But did he not go to Blair & Barry's? Ans. Yes.

Ques. You understood that was his only business?

Ans. So far as I knew.

Ques. Then you did not understand from him that as soon as he got through with them he would want this money?

Ans. No; I did not understand it that way.

Ques. When did you understand he would want it?

Ans. Whenever he called for it.

Ques. And that would depend upon his business in Fredericton, would it not?

Ans. I really do not know in what connection it was.

Ques. Will you swear that you did not understand from him that this parcel was in connection with his business at Fredericton?

Ans. I do not recollect of understanding anything of the kind.

Ques. You did not? Ans. No.

Ques. Will you swear you did not?

Ans. I might have inferred it.

Ques. Did you not infer from what took place with Murphy that the parcel had reference to his business with Blair & Barry? (Objected to on the ground that Committee had nothing to do with inferences the witness might have drawn — what was wanted was the facts). Mr. Hanington contended that in an investigation of this kind the declarations of the party depositing parcel were admissible. Mr. Pugsley stated that he had already allowed witness to give evidence wholly inadmissible, and he was willing to allow every latitude in order to adduce the facts of the case; but having allowed him to state the conversations, etc., he (Mr. Pugsley) did not think that the witness should be permitted to give inference.

The Chairman asked for the opinion of the members of the Committee, whereupon Hon. Mr. Mitchell said the evidence as to inferences was clearly inadmissible. Mr. Hetherington said all the Committee had to deal with was the facts at present, and they could draw their own inferences afterwards. Mr. Phinney said he could not conceive that any great harm would result from the admission of the evidence, as it was for the Committee to judge of the evidence hereafter, and thought the question a proper one. In a case of this kind, Committee not bound to follow strict rules of evidence. Mr. Atkinson said he thought this was a question on which his opinion would not have a great deal of weight, but like Mr. Phinney, he did not see any great objection to the question.

The Chairman thought it would be a rather strange proceeding if witnesses were allowed to state the inferences they had drawn, and while he admitted that the Committee were not bound by the strict rules of law as to evidence, yet the present question travelled too far, he would therefore give his opinion in favor of ruling question out.

Question ruled out.

Ques. Did you not understand from Mr. Murphy that the parcel had connection with his business here? Ans. No, I did not.

Ques. Did you not yourself open that safe, or when it was open point out that parcel to any individual — just think a little while if you please? Ans. I do not recollect of it.

Ques. Will you swear you did not?

Ans. No, I won't swear I did not.

Ques. Did you not while the safe door was open say "Look at that, that fixes the election," or words to that effect?

Ans. No, I have no recollection of making any statement of that kind.

Ques. Will you swear you did not use words to that effect?

Ans. I will swear I did not.

Ques. Then will you swear that you did not open the safe, or when it was open say to some third party — not Murphy — point out that parcel in your safe? Ans. No, not that I know of.

Ques. Will you swear you did not?

Ans. I have no knowledge of it.

Ques. Will you swear you did not? Ans. I will not swear I did not.

Ques. Will you swear you did not understand that parcel had some reference to the then approaching election?

(Objected to — immaterial — impressions of witness not admissible and question should be confined to what Murphy said to him as to the parcel). Hon. Mr. Mitchell said if the learned Counsel would strike out "understand" and insert "infer" it would be a similar question to that already ruled on and the same principles applied to all that class of evidence. Mr. Hetherington was of the same opinion. Mr. Phinney thought if the learned gentleman would narrow it down to designate the party from whom he had the information it would be admissible. Question ruled out.

Ques. Did you not understand from what took place at the time that that parcel had connection with, or something to do with the approaching election? Ans. I may have thought so.

Ques. Did you not think so? Ans. I did think so.

Ques. And did you not think so from what took place with Mr. Murphy and yourself and from what he said?

(Objected to. Witness has been allowed to give conversations with Murphy and to state all that Murphy did and question should be confined to that. The witness can state all that Murphy told him).

The Chairman said it seemed to him that if all the facts were brought out Committee could judge for themselves.

*Mr. Hetherington acquiesced in such view.

Mr. Phinney thought it was not in the same category as the last question, the witness from certain facts, etc., had formed an impression which he thought under the circumstance here was perfectly admissible.

The Chairman then ruled question out.

Ques. You thought that parcel, you said, had reference to or was

in reference to the approaching election, which was a fair answer; it was going to have reference to that election don't you think there was money in it; did you not think there was money in it?

Ans. Yes, I thought so.

Ques. You thought it was a parcel of money?

Ans. Yes, I did, but I did not know.

Ques. You had not seen the inside of it; I understand that quite well, but you thought there was money in it and you had no doubt of that, had you? (Objected to; objection withdrawn).

Ans. No, I had not any doubt of it.

Ques. Just tell me what it was, and what took place with Mr. Murphy that made you think it was money that was in it?

Ans. Well, at that time, during an election, knowing there were parties more or less interested in politics, and coming the way it did, I thought so, and so was the case, and that there was money in it from the way he came and what he did.

Ques. About how much, if they were \$1 or \$2 bills; how much money would be in that package? Ans. I could not say.

Ques. Did you ever hear how much was in it?

Ans. No, I did not.

Ques. Coming the way he did, and then him going down to find out where this Blair & Barry's office was, that led you to think there was money in it? Ans. Yes.

Ques. And that being so, did you not open your safe and point that parcel out and refer to it to a gentleman as, that that would fix the election? Ans. I remember making no statement like that. I shewed it to the young man there with me.

Ques. That is Berry?

Ans. Yes; and I told him to give it to Mr. Murphy when he called for it.

Ques. Did you not make some remark to him about it?

Ans. I might have made some remark about it. I might have done so.

Ques. It was a pretty big package of money if all money and not newspaper? Ans. It is hard to say.

Ques. Higher than this? (Inkstand on table in Committee room).

Ans. It was about six inches or more square.

Ques. That height and that wide? (Indicating with pen and inkstand). Ans. I think so.

Ques. Do you often, except from banks, move as large a package of money? Ans. Yes.

Ques. Except from banks, do you?

Ans. From banks probably to individuals. Do you mean between individuals?

Ques. Yes?

Ans. I do not know that I could say. My experience is short about that. I have only been in the business a short time.

Ques. Did you not understand that he must see these gentlemen or somebody there before giving it to them? (Objected to).

Ques. Did you not understand from Murphy that he wanted to see some one at the office before he would take the parcel down?

Ans. No, I did not.

Ques. Did you understand from him then why he did not take the parcel down? Ans. No, I did not.

Ques. Did you drive him down or walk down?

Ans. We walked down.

Ques. You were a supporter of the Attorney General at the election? Ans. Yes.

Ques. And it was openly known that you were friendly? Ans. Yes.

Ques. Are you sure that you went out of town the next day yourself? Ans. I am not positive, but I think so.

Ques. Did you or did you not see Murphy again after you went down to Blair & Barry's with him?

Ans. I do not recollect seeing Murphy again, but I could not say for certain; if my memory serves me right I did not see him again; I do not recollect seeing him.

Ques. It was reported to you by Berry that this gentleman had come and got the money? Ans. Yes.

Ques. Do you remember what time he told you that?

Ans. No, I do not know the time.

Ques. I do not mean the exact time; would it be the next day or the day after? Ans. I think the next day.

Ques. If you went out of town you might not have been out all the day.

Ans. I might have been to Marysville or out a short distance; I have no recollection of that now, as I did not give it very much attention.

Ques. If you saw Mr. Murphy you do not remember it?

Ans. No, I do not remember it.

Ques. Did Mr. Barry, the partner of the Attorney General, after-

wards speak to you or you to him on the subject of this business with Murphy, or any subject in connection with this Murphy business ?

Ans. No.

Ques. Nor about the money ? Ans. No.

Ques. Nor anything of that kind ? Ans. No.

Ques. Perhaps I had better ask you this : you say you remember some young man in the office — do you remember who it was ?

Ans. I do not know whether Mr. Blair's son or whether it was Mr. Wetmore.

Ques. There was nobody else there ?

Ans. I do not recollect of any one else being in there ; there might have been somebody else there, but I do not remember it.

Ques. And of course how long this gentleman was in Blair & Barry's office you do not know ? Ans. No, I do not.

Ques. Do you say there was or was not any sum mentioned on this parcel ? I think you said you did not see any figures on it ?

Ans. No, there was no figures.

Ques. There was no figures on it by which you could judge there was money in it ?

Ans. No, it was a small brown paper parcel or package, which was tied up with an ordinary string.

Ques. (By Mr. Phinney). Was it sealed up ?

Ans. I did not notice any sealing wax on it.

Ques. Any label or address ? Ans. I seen nothing on it.

Ques. (The Chairman). Is it an unusual thing for persons to leave money for safe keeping in this way ? Ans. Not at all.

Ques. (By Mr. Phinney). Was this the first time you had met Mr. Murphy ? Ans. No, I had known him for years.

Ques. You were well acquainted with him ?

Ans. Very well, I did a little business with him.

Ques. Did you know he was doing anything in connection with the election business ? Ans. No.

Ques. Were you a member of the election committee in York ?

Ans. I think so, but I never attended any of the meetings.

Ques. When you felt this parcel did it feel like money ?

Ans. I did not take notice ; I fancied money was in it ; it did not resemble a money package as we generally handle.

Ques. What do you mean by that ?

Ans. Money as generally handled through the Express is put into

an envelope, or in a wrapper from the banks, tied with a string and sealed, but this was an ordinary paper parcel.

Ques. Did you take it into your hand and feel it?

Ans. I took it into my hand and threw it into the safe. I did not look at it closely.

Ques. But you had no doubt in your mind it was money?

Ans. I thought it was money.

Ques. (The Chairman). When you speak of being a member of the election committee, do you mean a member of the executive committee?

Ans. No, I think I was appointed in some ward but I never served on any committee.

Ques. As I understand it when it was announced that an election was coming on you were most of the time in the country till the election? Ans. Yes, I was billing the County.

Ques. (By Mr. Phinney). What do you mean by billing the County?

Ans. I was out advertising political meetings. I was advertising meetings for Mr. Blair and his supporters in the County and arranging for halls, etc.

Ques. (By Mr. Atkinson). What made you think the parcel contained money?

Ans. I do not know. The circumstances surrounding the thing made me think so. If I had picked up that parcel on the street I would likely have thrown it away.

Ques. (By Mr. Hanington). It did not look like cash? Ans. No.

Ques. (By Mr. Mitchell). The very fact of his coming to you and asking you to put it into your safe would lead you to think so?

Ans. That's the idea, exactly.

Ques. (By Mr. Hanington). The package was done up so that if a person saw it on the cars it would not be supposed it contained money?

Ans. No, I don't think any one would take it for a money package. If you saw it lying on the street you would take it for a brick.

Ques. It would not excite suspicion?

Ans. It might on the first of April but that would be the only occasion.

Ques. Its appearance was such that no one would think it was a money package except it was dealt with between individuals in the

way it was; and it seemed to be put up with that view?

Ans. It might have been put up by a man who was not posted in such things.

Ques. Did it not look as if it was put up designedly so as not to look suspiciously like a money package? Ans. It might be so.

Ques. (By Mr. Pugsley). You say that you keep an express office, and you are in the habit of receiving money and other valuable packages by express? Ans. Yes.

Ques. And send them away by express? Ans. Yes.

Ques. Was it left as a business transaction or merely for safe keeping? Ans. Safe keeping.

Ques. It was left by Mr. Murphy till he should call for it?

Ans. Yes.

(Mr. Hanington submits list of further witnesses and asks that subpoenas issue for their attendance):

Hon. D. McLellan, John McGoldrick, James Murray and James O. Stackhouse, all of St. John.

Ques. (By Mr. Pugsley). On that evening Mr. Murphy simply asked you to shew him Blair & Barry's office? Ans. Yes.

Ques. And you went down for that purpose with him? Ans. I did.

Ques. You did not see Mr. Blair there, did you? Ans. No.

Ques. Do you know Mr. George F. Gregory, of Fredericton?

Ans. I do.

Ques. Did he lately ask you about this package? Ans. He did.

Ques. What did he tell you. Did he say anything about your being a witness? Ans. He spoke something in reference to it.

Ques. What did he tell you in reference to that?

Ans. I do not know that I can tell you his exact words.

Ques. As near as you can?

Ans. He said something about being brought before a Committee of the House, or something of that kind.

Ques. Was he questioning you upon the subject?

Ans. He asked me several questions.

Ques. (By Mr. Mitchell). How long since was that?

Ans. It would probably be within a fortnight.

Ques. (By Mr. Hanington). Mr. Gregory was a defeated candidate at the last election, was he not? Ans. I believe so.

Ques. He has a scrutiny, has he not, for the purpose of ascertaining whether any money was expended by Mr. Blair as against him?

Ans. I do not know.

Ques. You have heard of it, have you not?

Ans. I have heard of it.

Ques. You were an active man for them in the election?

Ans. I beg your pardon.

Ques. You posted bills, etc.? Ans. I did.

Ques. That is pretty active — that would make you an agent in law— and Mr. Gregory wanted to know from you whether you knew or not of any money that went into the election?

Ans. I don't know what he wanted.

Ques. When he was asking you about this package, and that would be an important proof that money was expended in the election? (Objected to).

Ques. However, you did not give Mr. Gregory much information. Did you not decline to give him any information?

Ans. I do not think I said much to him.

Ques. Did you not decline to give him any information on the subject? Ans. Well, really I forget now. I rather think I did.

Ques. You rather think that you declined to give Mr. Gregory any information on the subject; did you not rather lead him to suppose that you did not know anything about it?

Ans. No, I don't think I did.

Ques. You virtually said nothing; and did he not tell you he had heard a package of money had come up and went into your safe, and ask you whether that was true or not, and you would not answer him?

Ans. I rather think I did answer him, but I am not positive.

Ques. You did not tell him it did come? Ans. I don't think I did.

Ques. And you did not tell him it went into the election, did you?

Ans. I did not tell him, because I did not know.

Mr. Mitchell moved, seconded by Mr. Hetherington,

Resolved, That Committee adjourn till 7.30 p. m.

COMMITTEE ROOM,

APRIL 11th.

The Committee resumed pursuant to adjournment at 7.30 p. m.

The Secretary informed the Committee that subpoenas have been issued as directed.

On motion of Mr. Atkinson, seconded by Mr. Phinney,

Resolved, That Committee remove from Committee room to the House of Assembly room.

M. George Murphy called, did not respond.

WILLIAM H. BERRY, *Called, Sworn and Examined by Mr. Hanington :*

Ques. Were you down at the examination this morning or to-day?

Ans. Yes.

Ques. You know Mr. Gunter? Ans. Yes, well acquainted.

Ques. You were in the office he keeps on the 16th and 17th January last? Ans. Yes.

Ques. A clerk there? Ans. Yes.

Ques. Did you hear him swear that he was out of town and did not see Mr. Murphy on the day after the parcel was left in the safe?

Ans. I did not hear any part of the examination at all.

Ques. Did you see Murphy the evening the package was put into the safe? Ans. No.

Ques. When did you see him? Ans. Next morning.

Ques. Where was Mr. Gunter? Ans. He was in the express office.

Ques. What time in the morning was Mr. Gunter in the express office?

Ans. When I went there between half-past ten and eleven o'clock.

Ques. Mr. Gunter was there and Mr. Murphy was with him?

Ans. Yes.

Ques. Were they talking?

Ans. I could not say they were when I came in.

Ques. Did they talk while you were there?

Ans. They might have held some conversation.

Ques. What conversation was there?

Ans. Whatever conversation they held was confidential between themselves.

Ques. I want you, please, to call the facts and circumstances to mind as well as you can — how long was Gunter and Murphy there while you were there that morning? Ans. I could not state.

Ques. About how long? Ans. Ten minutes and to half an hour.

Ques. What conversation they had you did not hear? Ans. No.

Ques. Nor any of it? Ans. No. I don't know that they had any.

Ques. How near were they together? Ans. I could not say.

Ques. About how near were they together — near enough to converse together? Ans. Probably.

Ques. Do you mean to say you do not know?

Ans. They were near enough to converse together.

Ques. Did anybody talk to you about giving your evidence here?

Ans. No.

Ques. You know they were near enough to converse? Ans. Yes.

Ques. How far apart were they — as far as from you to me?

Ans. Probably. Excuse me, I don't know when I say probably.

Ques. Do you mean to tell me that your memory is so bad as that you do not remember whether they had any conversation at all or not, or speak to each other?

Ans. I could not say they did not speak to each other while I was in the office.

Ques. Do you not know that they did?

Ans. I would not say that they did on my oath.

Ques. This would be about what time in the morning?

Ans. Somewhere between half-past ten and eleven.

Ques. They were together when you went into the office?

Ans. Exactly.

Ques. And they were there ten minutes to half an hour together, near enough to converse, and if they had any talk it was confidential between them so far as you know. Ans. Exactly.

Ques. Did you then know this package was in the safe?

Ans. Not at the time.

Ques. Who first pointed out the package to you in the safe?

Ans. Mr. Gunter. Excuse me, he did not point it out, the safe was closed, and he told me there was a package belonging to Mr. Murphy in the safe; that is all he said, and then the door of the safe was closed.

Ques. Did he not tell you to deliver it? Ans. No.

Ques. If he swore he did this afternoon it is not true? (Objected to on the ground of improper evidence).

Ques. You swear now he did not tell you to deliver it?

Ans. My word on oath is he did not tell me to deliver it. I do not remember him telling me. I could not swear he told me.

Ques. Did you not swear a minute ago he did not tell you?

Ans. I swore that because I don't remember him telling me.

Ques. Then when you swear a thing did not take place it is simply that you do not remember it now, is that it?

Ans. I swear to the best of my belief.

Ques. Did Mr. Gunter tell you to give this parcel to Murphy?

Ans. I cannot remember that he did.

Ques. Will you swear he did not? Ans. I did so before.

Ques. Do you stick to that yet? (Objected to on the ground that witness has already twice answered the question).

Ques. I ask you if you say yet that he did not tell you that?

Ans. Yes-
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Ans. I say that I do not recollect of him telling me.

Ques. Is that all you say? Ans. Yes.

Ques. And if you said more than that a minute ago, you made a mistake? Ans. I think so.

Ques. Mr. Murphy went away, did he?

Ans. Went away — do you mean out of the office?

Ques. Yes, out of the office, or did he not?

Ans. Yes, he went out of the office.

Ques. Do you not know what I mean by going away?

Ans. It is a wide question.

Ques. He went away out of the office so far as you know?

Ans. Yes.

Ques. Who did he go out with?

Ans. I could not say whether with Mr. Gunter or alone.

Ques. Was he there when Mr. Gunter told you about the parcel of Murphy's being in the safe? Ans. I cannot say.

Ques. Your memory then is bad? Ans. Yes.

Ques. You cannot remember that, and your memory is bad, is that it? Ans. That's the way you look at it.

Ques. Did you not say that your memory is bad?

Ans. I suppose it is in this case.

Ques. Ordinarily then it is good?

Ans. I generally have a fair memory.

Ques. Is that what you say what you stated just now about your memory? Ans. That is it.

Ques. Then did Mr. Gunter go out of the office, too?

Ans. He went out of the office while I was there.

Ques. Where he went to you do not know? Ans. No, I don't.

Ques. You are not mistaken about Mr. Gunter being there in the morning? Ans. I think he was there in the morning.

Ques. I do not want thoughts; I want a positive statement?

Ans. He was there in the morning. He was there with Mr. Murphy. Both were in the office.

Ques. I understand that Mr. Gunter knew Mr. Murphy. Had you seen Mr. Murphy before? Ans. Yes, I had met him several times.

Ques. Did you meet him in Fredericton before? Ans. Yes.

Ques. At Mr. Gunter's before? Ans. Never.

Ques. I think Mr. Gunter runs a livery stable? Ans. Exactly.

Ques. And he has matters of business with them in the carriage line? Ans. That is something outside of my knowledge.

Ques. You do not know whether he had any carriages from them ?

Ans. I do not know anything of that.

Ques. You do not know whether old acquaintances or not ?

Ans. My business really with Mr. Gunter was as express man for him alone.

Ques. Do you not know whether they were old friends or not ?

Ans. I could not say.

Ques. However, Mr. Murphy went away ? Ans. He went away.

Ques. Where he went to you do not know ? Ans. I could not say

Ques. Do you mean you do not know ? Ans. I do not know.

Ques. Where he intended going you do not know ? Ans. No.

Ques. Nor did you understand from him where he was going ?

Ans. No.

Ques. Nor did you understand from Mr. Gunter where Murphy was going ? Ans. No.

Ques. Nor where Mr. Gunter was going ? Ans. No.

Ques. Nor whether they went out together ? Ans. No.

Ques. Mr. Murphy did not take the parcel with him or did he ?

Ans. When he went out ?

Ques. Yes ? Ans. I do not think he did.

Ques. A while ago I think you said he did not ?

Ans. I do not think you asked me that question, Mr. Hanington.

Ques. Don't you know whether he did or not ?

Ans. I would not say.

Ques. Did you not say he went away and came back again ?

Ans. I do not think I did.

Ques. Mr. Gunter told you there was a parcel in the safe of Murphy's ? Ans. He did.

Ques. Did he tell you that in Murphy's presence ?

Ans. I could not say.

Ques. Have you no idea ?

Ans. Am I supposed to give ideas ?

Ques. Give us your recollection as near as you can, unless it is very bad in this case ?

Ans. I don't recollect that he told me in Murphy's presence.

Ques. Did he tell you in Murphy's absence or not ?

Ans. I don't recollect that he did.

Ques. If he was there and Murphy was there, how did he come to tell you unless he was going away and Murphy had gone away — how did he tell you this was Murphy's parcel ? (Objected to).

Ques. Tell us the circumstances under which he did that — that this parcel was in the safe and that it was Murphy's — was he going away or was Murphy going away, or which?

Ans. Mr. Gunter is in and out of the office every ten or fifteen minutes, as a general rule, and it was customary for him —

Ques. Are you speaking of your memory of that day? (Objected to).

Ques. Under what circumstances was it he told you that this parcel was there?

Ans. He just told me that the parcel belonged to Murphy, in case I went to the safe and found a parcel in it that I might know who it belonged to.

Ques. That is it? Ans. Yes.

Ques. Then I understood you to say the safe door was shut?

Ans. The door was shut.

Ques. Was Mr. Murphy there? Ans. I could not say.

Ques. You don't know whether that was before Murphy went away or not? Ans. I could not say that.

Ques. You say the safe door was shut?

Ans. We generally keep it shut.

Ques. That is not the question. You say it was shut, do you?

Ans. It was shut.

Ques. Who opened it when the parcel was taken out? Ans. I did.

Ques. Was Mr. Gunter there? Ans. Mr. Gunter was not there.

Ques. Had Murphy been away and came back again?

Ans. He had.

Ques. So you are not mistaken now. Murphy had been away and came back again. You are not mistaken in that?

Ans. I could not answer you before.

Ques. Your memory is better now? Ans. Yes, it is.

Ques. So Murphy had been away and when he came back again you then gave him the parcel? Ans. He had.

Ques. How long had he been away? Ans. I could not say.

Ques. About? Ans. In the vicinity of perhaps half hour or hour.

Ques. What time did you get to the office that morning?

Ans. Between half-past ten and eleven.

Ques. They were there then from ten minutes to half an hour after that, and then he came back in about an hour?

Ans. From a half to an hour.

Ques. That would be about an hour?

Ans. No, there is a great difference between them.

Ques. Then tell me about what time he got that parcel?

Ans. In the vicinity of twelve o'clock.

Ques. He took it away with him? Ans. He did.

Ques. Where he went with it you don't know, or do you?

Ans. I do not know.

Ques. Did he say anything as to where he had taken it down to Blair or Barry's office the night before? (Objected to on the ground that statement of Murphy or anybody else not bearing on the case, Committee are here to inquire as to facts connected with charge against Attorney General. Any statement made by any person, no matter whom he might be, would not be evidence in matter unless Mr. Blair connected with it so as to make him responsible for them).

Mr. Hanington said he proposed to show what Murphy did say about why he had taken the money there then, and why he had not taken it before, and that irrespective of his seeing Mr. Blair, that Mr. Blair was then not in Fredericton.

The Chairman asked Mr. Hanington if he thought the Attorney General responsible for everything people said outside.

Mr. Mitchell was of the opinion that the evidence was inadmissible.

Mr. Hanington on being asked by Mr. Pugsley if he thought it was proper evidence, said he thought on his honor it was proper evidence.

The Chairman asked Mr. Hanington again if he thought the Attorney General ought to be held responsible for all the statements made by outside persons as he thought the Committee could have no doubt about it not being proper evidence.

Mr. Hanington replied that in his view it was proper and urged its reception.

The Chairman having asked for the opinion of the Committee upon the question whereupon Mr. Mitchell and Mr. Hetherington thought the question inadmissible; Mr. Atkinson and Phinney said it was admissible, the latter on the ground that it was part of the circumstances surrounding the whole case. The Chairman then ruled the question out.

Ques. Did he tell you when he was going down home and what was keeping him? (Objected to on same ground as before; and the Chairman after hearing the opinions of Committee ruled it out).

Ques. Did he tell you when he came for the money where he had been and who he had seen? (Objected to — same grounds. Ruled out).

Ques. Did he tell you whether Mr. Blair was in town or not? (Objected to — same grounds. Ruled out).

Ques. Did he tell you whether he had seen Mr. Blair or not? (Objected to—same grounds. Ruled out).

Ques. Did he tell you what he wanted the money for? (Objected to—same grounds. Ruled out).

Ques. Did he tell you where he was going to take it? (Objected to—same grounds. Ruled out).

Ques. Did he tell you it was money? (Objected to—same grounds. Ruled out).

Ques. Did he tell you what was in the parcel? (Objected to—same grounds. Ruled out).

Ques. Had you any idea that it was of value? (Objected to—improper. Ruled out).

Ques. Did you know it was put into the safe for safe keeping?

Ans. I do not know that I did; I could not say that I did.

Ques. Have you any idea of whether there was anything of value in it? (Objected to—immaterial, and not proper mode of proof. Ruled out).

Ques. You gave it to him; what kind of a package was it?

Ans. What do you mean—weight?

Ques. Well, weight or looks? Ans. It was a brown paper parcel.

Ques. About what size?

Ans. As near as I can remember, about six or seven inches long and somewhere in the same vicinity in width.

Ques. What height? Ans. It was an ordinary parcel.

Ques. It was about as long as bank notes, was it?

Ans. I could not say it was, I think it was longer.

Ques. What appearance had it, did it appear as if money was in it?

Ans. It did not appear like anything that I know of.

Ques. Then you cannot give us any idea of it except that it was six or seven inches long and wide and about the same height?

Ans. I don't know I said anything about the height.

Ques. What was the height?

Ans. It was three or four inches high.

Ques. Is that your impression now?

Ans. As near as I can remember.

Ques. He took it away and that is the last you saw of him, is that what you say?

Ans. I could not say; I might have seen him next evening or during the day, but would not say I did.

Ques. Did you see him up to the office again.

Ans. I do not remember.

Ques. This is the gentleman here (indicating Mr. Murphy)?

Ans. Yes, I am well acquainted with him; that is the same gentleman.

Ques. Whether you saw him again or not you say you don't know when he left town? Ans. I could not say.

The Committee nor Mr. Pugsley cross-examined this witness.

M. GEORGE MURPHY Sworn, and Examined by Mr. Hanington:

Ques. You are one of the firm of Kelly & Murphy, St. John?

Ans. Yes.

Ques. Mr. Kelly was, and is one of the aldermen of Saint John?

Ans. Yes.

Ques. You do business there as carriage makers? Ans. Yes.

Ques. And have for some years? Ans. Yes.

Ques. You have done some business with Mr. George Gunter of Fredericton, have you not, in that way? Ans. Yes.

Ques. Does he buy carriages and things from you?

Ans. Occasionally.

Ques. Calling your attention to the week before election in January last, you were up here in Fredericton, were you not? Ans. Yes.

Ques. You came here on the 16th day of January, did you not?

Ans. Yes.

Ques. What time did you get here?

Ans. On the evening train.

Ques. That would be about 7? Ans. I don't remember the time.

Ques. Did you go immediately to the hotel? Ans. Yes.

Ques. The Queen Hotel? Ans. Yes.

Ques. From there you went where to?

Ans. I don't just remember where I went from there.

Ques. Well, please remember?

Ans. I walked the street a little ways for a while. I am not sure whether I went into Mr. Gunter's or Mr. Staples.

Ques. You had a parcel with you, had you? Ans. I had.

Ques. Did you bring it up in a valise? Ans. No.

Ques. Just in your hand? Ans. Yes.

Ques. A brown paper parcel? Ans. Yes.

Ques. Done up in paper? Ans. Yes.

Ques. Did you take that up when you went up to Mr. Staples?

Ans. I had it in my pocket.

Ques. About what size was it?

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Mr. Staples?

Ans. I should suppose about 7 inches long, 5 or 6 inches high and 4 or 5 inches wide.

Ques. Did you know what was in the parcel? Ans. Yes.

Ques. What was in it? Ans. Bills.

Ques. What kind of bills? Ans. Money.

Ques. How much money was in it?

Ans. I don't know why I should answer that.

Ques. How much money was in it? Ans. \$1500.

Ques. That is all? Ans. That is all.

Ques. That is all the money that was in it? Ans. That is all.

Ques. How wide did you say? Ans. Just one width of notes.

Ques. And it was 4 or 5 inches high?

Ans. Well, perhaps 4 or 5 or 6.

Ques. You counted the money yourself, did you?

Ans. I counted part of it.

Ques. Where did you count it? Ans. In Mr. Barry's office.

Ques. Is that in Mr. Blair's office? Ans. I could not tell you.

Ques. It is Blair & Barry's office in this town? Ans. Yes.

Ques. That is where you took it to? Ans. Yes, I left it there.

Ques. You left it all there did you? Ans. Yes.

Ques. Who did you count it over with? Ans. Mr. Barry.

Ques. That is Mr. Blair's partner? Ans. Yes.

Ques. And you left it there? Ans. Yes.

Ques. You had brought it up from Saint John? Ans. Yes.

Ques. You knew when you brought it that it was for election purposes, did you not?

Ans. Nothing of the kind. I had no connection whatever with it.

Ques. Will you swear that you did not know it had anything to do with the elections?

Ans. I was informed to leave the parcel with Mr. Barry.

Ques. Were you not informed to leave it at Mr. Blair's office?

Ans. No, Mr. Barry was the man I was told to leave it with.

Ques. Who told you to leave it with Mr. Barry?

Ans. Mr. Kelly, my partner.

Ques. Then, if I understand you, you counted part of it?

Ans. Yes.

Ques. In their office? Ans. Yes.

Ques. You did not count it all? Ans. No.

- Ques. Did you take a receipt for it? Ans. I did.
- Ques. From Barry? Ans. Yes.
- Ques. Have you got it? Ans. No, I have not.
- Ques. Where is it? Ans. I gave it to Mr. Kelly.
- Ques. And you tell us you did not know that was to be used in the election?
- Ans. Well, probably I might have thought so.
- Ques. What time did you leave that package at Barry's office?
- Ans. I think on a Friday, some time after dinner.
- Ques. The election was on the 20th, and it was on the 17th, after dinner, that you left that at Barry's?
- Ans. I think it was after dinner; I would not be positive.
- Ques. You had that parcel and took it up to Gunter's the evening before? Ans. Yes.
- Ques. You were at Barry's office the evening before?
- Ans. I was.
- Ques. Had you met Barry before?
- Ans. I was acquainted with him before?
- Ques. Were you introduced to him that night by anybody?
- Ans. I think not.
- Ques. Are you sure? Ans. I am.
- Ques. Then, Gunter went down with you, did he not?
- Ans. Yes.
- Ques. You got him to show you the office? Ans. Yes, I did.
- Ans. And he went down with you? Ans. Yes.
- Ques. Did he go in? Ans. He went into the office.
- Ques. Who was there?
- Ans. I could not tell you who was there, I am sure. Two or three gentlemen were sitting there.
- Ques. Mr. Barry told you, did he not, that Mr. Blair was not in town?
- Mr. Pugsley.—I object to him stating what Barry said. I object to any hearsay evidence as to what Barry or anybody else told him. As I said before this is a charge against Mr. Blair. Now, whether any persons may have contributed anything to the election fund or not, is not at all material towards proving that charge against Mr. Blair. It does not connect him with it. It is not shown that any of these gentlemen have spoken to Mr. Blair, or had any communications with him, direct or indirect; therefore I submit it is not competent to give

any conversations which Mr. Murphy may have had with other parties, except in Mr. Blair's presence, or unless he is connected with it.

Hon. Mr. Mitchell and Mr. Hetherington express the opinion that the evidence is inadmissible.

Mr. Phinney — On what ground do you offer it, Mr. Hanington?

Mr. Hanington — I offer it as part of the *res gestæ* of this transaction.

Mr. Phinney — I don't think it is objectionable on the ground upon which the Solicitor General objects to it, because I think if they fail to connect Mr. Blair with this transaction it would fail, but I think his own partner would be supposed to have some knowledge of where he was.

Mr. Wilson — I am a little surprised that evidence of this kind should be offered at all. I am of the opinion that it is not admissible. (Ruled out by Mr. Wilson, Mr. Mitchell and Mr. Hetherington; Mr. Phinney and Dr. Atkinson contra).

Ques. (Mr. Hanington). Did you ascertain whether Mr. Blair was in town or not, that day? Ans. I don't think I inquired.

Ques. Will you swear you did not inquire?

Ans. I could not say whether I did or did not. I may or may not have. I am of the opinion that I did not ask anything in connection with Mr. Blair.

Ques. You knew you were in the office belonging to the Attorney General, did you not? Ans. Yes.

Ques. And you know Mr. Barry was his partner? Ans. Yes.

Ques. And in his absence does his business, did you not?

Ans. I did not know that.

Ques. You did not know that when one partner was absent the other did his business?

Ans. I did not know he did his private business.

Ques. Did you know he did his public business?

Ans. I supposed he did.

Ques. Whether this money came here on public business or private business, you don't know?

Ans. All that I know about the money was that I was ordered to fetch it there and deliver it. What it was for, I knew nothing.

Ques. They did not tell you? Ans. No.

Ques. Mr. Kelly told you simply to carry it and deliver it there, and did not tell you what it was for?

Ans. He told me to deliver it to Mr. Barry.

Ques. If I understand you, then your instructions were to come up to Fredericton, and to go and deliver that parcel to Mr. Barry?

Ans. Yes.

Ques. That was all the instructions you had?

Ans. When I had word to deliver it.

Ques. You were to deliver it to him when you had word to deliver it? Ans. Yes.

Ques. Word from whom. Ans. Mr. Kelly.

Ques. Kelly was in St. John, was he not? Ans. Yes.

Ques. Then you were told to bring up \$1500 in cash, and keep it here until you got word from St. John, and then to deliver it?

Ans. Yes, from my partner.

Ques. Then this money was not to be delivered until something took place in Saint John. Is not that it?

Mr. Pugsley — I object to this witness giving any statement as to conversations he had with any person, Mr. Kelly or anybody else, unless Mr. Blair is connected with it.

Mr. Hanington — Unless Mr. Blair was present.

Hon. Mr. Pugsley — Present or connected with it.

Mr. Hanington — If you can tell me any way to connect a man with it who does not want to be connected with it, I would like to know it. Mr. Blair probably would not be directly present in this arrangement, because he would be disqualified forever from running elections. But I claim I have a right to show, and this country has a right to know how this money was sent — under what conditions and for what purpose. It is part of this examination, and if I cannot show what took place between Murphy and his partner, with reference to where and how he got the money, what can I show? You might as well say you will stop the investigation. This arrangement is made behind Mr. Blair, this man comes to Fredericton and delivers the money to his partner in case something takes place in Saint John, and you say I cannot show what that is, and that he had instructions to wait. If that is so, the evidence previously given that he was to keep it till he got instructions from Saint John, and then pay it over, was wrongly admitted. I say if that is to be the ruling, you had better tell me and tell this country that you will shut out all evidence on this inquiry, because that is what you are doing. In the Supreme Court such a contention as that would not be listened to for a moment. Suppose it was a scrutiny case, as to whether that money came for the purposes

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of an election, whether it came in consideration or did not, surely what he says when he delivers the money to him is part of the *res gestæ*. If money or anything else is delivered the declarations that take place with it and the condition upon which it is held are evidence.

Mr. Wilson — You are not asking him about his declarations.

Mr. Hanington — I am asking him what instructions he had. I am asking him about the time that Mr. Kelly delivered it to him.

Hon. Mr. Mitchell — Where do you connect it with Mr. Blair?

Mr. Hanington — Well, I have got it in his office counted. In certain criminal cases, for instance, when property gets into a man's hands he has to show how it got there.

Hon. Mr. Mitchell — But I do not think you could show it by any conversations between Mr. Kelly and Murphy.

Mr. Hanington — Well, if this ruling goes on I might as well give up any hope of getting at the facts at all. A declaration it is well established by the Court is just as much evidence as the act itself. I say it is proper, and most important that the instructions given should be developed. We have it now that he was not to deliver the money to Barry until he got instructions from Saint John. He was going on further about his instructions and I want that evidence in; if it is ruled out, all I can say is that the result will be that the inquiry will, to a large extent, be burked.

Hon. Mr. Pugsley — What I say is this: The question which the Committee is called upon to try is not whether Mr. Kelly or Mr. Murphy or anybody else contributed any money for election expenses in this County or elsewhere, but the charge is that Mr. Blair made a corrupt agreement with Mr. Leary, under which Mr. Leary agreed to furnish money to assist Mr. Blair and his supporters, in consideration of which Mr. Blair agreed to give the subsidy for the dry dock in Saint John to Mr. Leary. That is the offence with which Mr. Blair is charged. Now, surely, it does not tend to prove that to simply show that Mr. Kelly or somebody else in Saint John contributed that money toward election expenses in York. Not thousands of dollars as is charged in this complaint, but some \$1500. My learned friend has begun at the wrong end. What he should do is to show, if he can, or thinks he can, that Mr. Blair made this agreement with Mr. Leary that is charged against him. If he is allowed to go on he will heap up evidence not one tittle of which tends to connect Mr. Blair in any shape or form with the case, and then he would ask the Committee

and the country to have all manner of suspicions against Mr. Blair. When Mr. Gunter was on the stand, I allowed him to tell all that was said between Mr. Murphy and him. Mr. Murphy has been allowed to tell all that he did. Surely these declarations of third parties in Mr. Blair's absence cannot be evidence unless he is in some way connected with them.

Mr. Phinney — It is the first time I ever heard the proposition laid down that a man in order to prove his case must prove his whole case in the first instance. As I say, if Mr. Blair is not subsequently connected with it, the whole superstructure falls. Here we have the fact that a certain amount of money was brought up from Saint John, that it was deposited with Mr. Blair's partner and counted, and this man swears it was money, and he believes it was for election purposes.

Mr. Hetherington — He has not said that.

Mr. Phinney — That is his belief.

Hon. Mr. Pugsley — No, he knows nothing about it.

Mr. Phinney — And he has sworn further, that Mr. Kelly, from whom he got it, told him he was to carry it and deliver it to Mr. Barry, and was not to deliver it until he received word from Saint John. All the instructions he received are to be shut out, and so the inquiry is to be obstructed. When he says "probably I might have thought it was for election purposes," that is strong evidence.

Mr. Wilson — I understand that Mr. Hanington claims that the instructions Mr. Murphy received in Saint John when he was directed to bring this money up here, is evidence.

Mr. Phinney — I think it is admissible on this ground, that it is unfair for the Solicitor General to allow one or two questions of a certain character to be answered and when another question of exactly the same character is put to the witness then to object. He says: "Kelly told me to carry it and deliver it to Barry." That is instructions. Why cannot he follow it up.

Hon. Mr. Pugsley — That shows that the only safe course for me to take is to object to such questions all the way through. In consequence of what Mr. Phinney says, I shall hereafter adopt the strict rule of objection as to all hearsay evidence.

Mr. Wilson — My opinion is that the evidence is admissible.

Ques. (Mr. Hanington). Having those instructions you went to Gunter's and put the money in a safe? Ans. Yes.

Ques. Until you should get instructions from Saint John?

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Ans. Yes.

Ques. Which instructions were that if certain things took place in Saint John —

Hon. Mr. Pugsley — He did not say that.

Mr. Wilson — You are putting your construction, Mr. Hanington, upon what the instructions were. I think it would be well for you to ask him what the instructions were when he received the money.

Ques. (Mr. Hanington). Therefore you went and saw Mr. Barry, did you not, that night ? Ans. Yes.

Ques. And talked this matter over with him ? Ans. I did.

Ques. Did you tell him you had the money ? Ans. I did.

Ques. Did you tell him you were not to deliver it until you got instructions ? Ans. No, I did not.

Ques. Did you talk election matters over with him ?

Hon. Mr. Pugsley objected, Mr. Blair not having been present.

Mr. Wilson — I cannot see for the life of me what the election has got to do with this inquiry.

Mr. Hanington — Is it not charged that the money was used for election purposes ?

Hon. Mr. Pugsley — The charge is that the agreement was made.

Mr. Hanington — The charge is that the agreement was made, and money paid under that arrangement, and it was in consequence of the election. Now, I want to show, because as I am instructed I shall connect the Attorney General with it in another way (this witness, of course, did not see the Attorney General — you can easily understand that the man who would be carrying this money would not see the Attorney General).

Hon. Mr. Pugsley — The Attorney General tells me that he was fifty miles away.

Mr. Phinney — Well, the charge is that he did by himself or his agents receive the money.

Mr. Hanington — I propose to prove this branch of the case first and then the others. I am not instructed that this witness had any communications direct with the Attorney General, but I have proved that Mr. Barry is the Attorney General's partner.

Mr. Wilson — Do you say you have proved that ?

Mr. Hanington — Yes, I have proved it. I have proved that this was their office ; that this gentleman was taken down and shown their office ; that he went and paid the money to the Attorney General's

partner. Now I propose to show facts and deeds — among the rest discussions — that Mr. Barry was the Attorney General's partner for election purposes.

Hon. Mr. Pugsley — This apparently is a matter that had no connection with the partnership business. Mr. Murphy states that he was instructed to deliver this money to Mr. Barry, not to Mr. Blair, not to the firm of Blair & Barry, but to Mr. Barry. He came to Fredericton, saw Mr. Barry and left this with him. There is nothing in the fact of the partnership which would make any conversation between Mr. Barry and Mr. Murphy evidence against Mr. Blair. In an ordinary civil trial it would not be evidence. How much more should that apply to a case of this kind where a charge of this grave character is made. Here is a charge that a corrupt agreement was made. Can you prove that charge by showing that certain money for election purposes was put into the hands of Mr. Barry? The result is that you get in a lot of evidence not connected with Mr. Blair at all, but which might induce people to draw conclusions tending to prejudice Mr. Blair unjustly and improperly. There is just one more remark I wish to make: Mr. Hanington says that if he can get at the facts he will connect Mr. Blair with this corrupt agreement.

Mr. Hanington — I said, as I am instructed.

Hon. Mr. Pugsley — No, you did not put it in that way.

Mr. Hanington — I say I did. You state what is false.

Hon. Mr. Pugsley — It filled me with surprise and pain that the Counsel for the prosecution should make a statement of that kind. I am instructed by Mr. Blair that he has never been directly or indirectly in any shape or form a party to such an arrangement or understanding, and I do think the Counsel, considering the gravity of this charge, ought to wait until the evidence is in before making statements as to what will be proved or not proved in connection with this matter.

Mr. Hanington — I never said any such a thing. I said as I was instructed if I could get the proof in I would prove it.

Mr. Wilson — My opinion of what he said is just as the Solicitor General says. I took it down at the time and there was nothing about "as I am instructed." My opinion is that the conversation between Mr. Barry and Mr. Murphy is not evidence. (Hon. Mr. Mitchell and Mr. Hetherington concurring the question is ruled out).

Ques. (Mr. Hanington). You said you got a paper from Mr. Barry and that you took it home? Ans. I did.

Ques. That had reference to the money?

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Ans. It was a receipt for the money.

Ques. Was it just a common receipt for the money? Ans. That is all.

Ques. Did Mr. Kelly when he gave you the instructions tell you that Mr. Barry had charge of the funds here in York? (Objected).

Mr. Hanington — You have allowed that already.

Mr. Wilson — What I ruled in was the instructions Kelly gave Murphy as to what he was to do with the money.

Mr. Hanington — I propose to show what took place between Mr. Kelly and Mr. Murphy when he gave him the money — what was said and all that was said.

Hon. Mr. Pugsley — I submit that any instructions Kelly gave to Murphy might be admissible under Your Honor's ruling, but beyond that conversations would not be admissible.

Mr. Wilson — My opinion is that the only evidence admissible is the instructions.

Mr. Hanington — I think I have a right to show declarations as to in what capacity he was to pay this money to Mr. Barry. The question is this: Did Kelly speak to you at the time he gave you the money as to how Barry was acting in connection with the election in York — or anything about Barry acting for the Attorney General in the York election and if so what?

Hon. Mr. Pugsley objects. It is an effort to prove by some statement of a third party not made in Mr. Blair's presence and not made under oath that Barry was acting for Mr. Blair. There is a proper way to prove that. Mr. Barry himself can show in what capacity he was acting, and the Attorney General can show whether he was acting for him or not. If facts can be proved by hearsay evidence of this kind what is the use of having evidence under oath.

Mr. Wilson — My opinion is that if Kelly gave him any instructions as to what he was to do with the money that is evidence and that is as far as he could go. (Hon. Mr. Mitchell and Mr. Hetherington concurring the question is ruled out).

Ques. (Mr. Hanington). What did your partner tell you when he gave you the money — I want the whole of it?

Hon. Mr. Pugsley — I object unless it is confined to instructions.

Mr. Wilson — Tell us what instructions Kelly gave you when he gave you the money?

Mr. Hanington — No, I did not ask him for instructions. What did your partner, Mr. Kelly, tell you when he gave you the money, on this subject?

Hon. Mr. Pugsley repeated his objection, that the evidence would be inadmissible except as relates to instructions.

Mr. Phinney — I am of the opinion that in view of the fact that Mr. Kelly may possibly be afterwards connected with Mr. Leary the instructions and directions given, may be given in evidence.

Mr. Wilson — I say that is evidence too.

Mr. Phinney — We can only judge what the instructions were when he has told us.

Hon. Mr. Pugsley — He has told us already.

Mr. Phinney — Perhaps only part of them. Give us the whole conversation that took place at that time.

Hon. Mr. Mitchell — I think the question is not admissible except in so far as he seeks to show what the instructions were with regard to the money. Any other conversation I do not think admissible.

Dr. Atkinson — I would say that we are interested to know how Mr. Murphy got this money, where he took it and for what purpose it was going to be used, and I think anything that will tend to throw light upon where this money was coming from and what was going to be done with it, the committee ought to know.

Mr. Wilson — Well this seems to be exactly the same kind of question as was asked before; my opinion is against it. If Mr. Murphy has any further instructions he has not spoken about, he can give them. (Hon. Mr. Mitchell and Mr. Hetherington concurring, while Mr. Phinney and Dr. Atkinson dissent, the question is ruled out).

Ques. (Mr. Hanington). You came up here in the evening and saw Mr. Barry; how long were you in Barry's office that night? Ans. I could not exactly tell how long.

Ques. Half an hour or an hour? Ans. May be half an hour.

Ques. Then you went away to the hotel? Ans. Yes.

Ques. Did you see Mr. Barry again that night? Ans. I think I met him at the hotel.

Ques. Did you tell him you had this money at the first time in the office? (Objected. Allowed). Ans. I did.

Ques. That was up in his office? Ans. Yes.

Ques. Did you tell him you had the money but you could not give it to him until you had heard from Saint John?

Hon. Mr. Pugsley — I object to this evidence and I repeat the reason again that so far as Mr. Blair is concerned, as far as this charge is concerned, it must be entirely immaterial what Mr. Kelly may have told Mr. Murphy or Mr. Barry told Murphy. It is admitted now that

Mr. Murphy never saw Mr. Blair, had no conversations with him nor any transactions with him of any nature or kind. We are not trying an election petition for the County of York though it may be that this investigation has been started in the hope of getting evidence for that purpose. We are trying a charge against Mr. Blair and I think in all justice and fair play conversations between third parties with which he is in no way connected, taking place in his absence, ought not to be admitted until he is first connected in some way.

Mr. Hanington — You will find it laid down in every election case that has been tried —

Hon. Mr. Mitchell — We are not trying an election case — that is where the difference comes in.

Mr. Hanington — In every election case that has been tried and in every other case in which the question of the acts or responsibilities of parties with reference to their agents has come up, the whole thing may be tried out, and all the facts given in evidence before any evidence of agency whatever is given. Even if I called Mr. Barry I could not prove anything according to your ruling because Mr. Blair was not there. You will allow proof that the money was paid over but not what it was done for or in what capacity it was paid or received.

Mr. Mitchell and Mr. Hetherington think the evidence inadmissible.

Mr. Wilson — I think Mr. Hanington interrogated Mr. Murphy about leaving Gunters; he followed him down street to Barry's office, and he told Mr. Hanington he had gone in there, and at that time the question was asked as to what conversation took place between them, and the question was ruled out. This question is of the same character. (Question ruled out on the vote of Messrs. Wilson, Mitchell and Hetherington).

Ques. (Mr. Hanington). You met him in the Queen Hotel—how long did you see Mr. Barry in the Queen Hotel that evening?

Ans. He may have been there for 5 or 10 minutes probably.

Ques. Did he at any time want you to give him the money and you refused?

Hon. Mr. Pugsley — I object that this involves a conversation in which Mr. Blair is not connected in any way, shape or form.

Mr. Phinney — I deny the proposition that he is not connected in any way, shape or form. The money has been brought and delivered to Mr. Blair's partner in business, which is sufficient to establish some degree of agency, and I take it that the statements made by Mr. Barry can be given in evidence to go for what they are worth. If Mr. Blair shows that he had nothing to do with it and no knowledge of it, it would

be competent for him to show it, but I think it is now *prima facie* connected with Mr. Blair. The charge is that he received by himself or his agents. The receipt of the money is one ingredient—of course if it is not connected with the Leary contract the whole thing falls.

Mr. Hannington — I do not altogether think that.

Mr. Phinney — I submit that there is enough evidence of agency to admit the evidence.

Mr. Wilson — It appears to me that the whole gist of the charge is the corrupt agreement entered into between the Attorney General on the one part and Leary on the other in consideration of which these other things were to follow. It appears to me sound doctrine that before you could admit conversations between this one and that one in connection with this charge you have got to connect the Attorney General in some way with them.

Mr. Phinney — Don't you think you can show the receipt of money by the agents of the Attorney General?

Mr. Wilson — I don't think any agency is established. If you want to prove that Barry is the agent there is a proper way of proving it, or that Mr. Blair had anything to do with the receipt of the money, there is a proper way of proving it. (Hon. Mr. Mitchell and Mr. Hetherington concur, and question is ruled out).

Ques. (Mr. Hanington). What time did you see Mr. Barry next morning? Ans. It was some time in the afternoon I think.

Ques. What time in the afternoon did you see him? Ans. I could not tell — it was between one and 3 o'clock.

Ques. Did you go home that same evening? Ans. Yes.

Ques. In the meantime did you see anybody mixed up with politics at all? Ans. No.

Ques. Mr. McLellan was not here as far as you know? Ans. I did not see him.

Ques. Did you see any of the members of the Legislature while you were here? Ans. I saw Mr. Mitchell at the Queen.

Ques. Did you have a talk with him? Ans. I think I shook hands with him. I was introduced to him.

Ques. Was that the first evening you came or the next day?

Ans. The first evening I think.

Ques. Did you know whether or not Mr. Gunter was taking an active part in the election for Mr. Blair? Ans. No.

Ques. Did you understand from him whether he was or not. That he was a friend of the Government?

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Ans. I think he told me he was not taking an active part.

Ques. Well, are you sure? Ans. No, I am not sure.

Ques. When you went up to Mr. Gunter's in the morning did you
tell Mr. Gunter what your instructions were — did you mention the
subject to him of your instructions? Ans. I rather think I did.

Ques. Did you tell him then that you had instructions to give this
money on hearing from Saint John?

Hon. Mr. Pugsley — (Objects). What he told Mr. Gunter would not
be evidence.

Mr. Wilson — He said he had instructions before.

Ques. (Mr. Hanington). Did you tell Gunter or anyone in his office
that you had heard from Saint John or words to that effect? (Objected
to).

Mr. Wilson — Well, I don't see any objection of him telling Mr.
Gunter that he had heard from Saint John.

Hon. Mr. Pugsley — But I must adhere to the rule of objecting to all
this class of evidence.

Mr. Wilson — It seems to me he could say he heard from Saint John
but what he did hear would be another thing.

Hon. Mr. Pugsley — I object to any statements or any evidence of
conversations that he and Gunter had because that would not be evidence.

Mr. Wilson — I don't see any objection to him stating that he heard
from Saint John. Strictly I think it is inadmissible.

Mr. Hanington — Are you going to change your ruling?

Mr. Wilson — Well, I did not understand the Solicitor General to
seriously object to it.

Mr. Phinney — Surely a statement made by the man who brings the
money and delivers it to Gunter's office is admissible in a case of this
kind. It is part of the *res gestæ*.

(Hon. Mr. Mitchell and Mr. Hetherington think it is objectionable and
the question is ruled out).

Ques. (Mr. Hanington). Will you swear that you did not tell when
you got that money that you had heard from Saint John and the paper
was all right and you wanted the money? (Objection. Ruled out as
before).

Ques. Did not you tell him that you had heard from Saint John and
the contract was all right and you wanted the money? (Objection.
Ruled out as before).

Ques. You did not deliver the money till you heard from Saint
John did you? Ans. No.

Ques. Who did you hear from, Mr. Kelly? Ans. Yes.

Ques. By telephone or telegraph? Ans. Telegraph and telephone, both I think.

Ques. Did you have more than one communication with him?

Ans. Yes, by telephone and telegraph.

Ques. Which telegraph company? Ans. I could not tell that.

Ques. About what time did you get the despatch?

Ans. Some time after one o'clock.

Ques. Was the telephone message from Mr. Kelly? Ans. Yes.

Ques. Will you swear he did not telephone you or to this effect to deliver the money now as it was all right, or the paper was all right? (Objected to. Ruled out as before).

Mr. Hanington — I will say candidly that if that kind of question is ruled out I may as well give up the inquiry.

Ques. You waited till you got two or three telegrams, did you. Did not you telephone to Kelly that they wanted the money, or telegraph him that Barry or somebody wanted the money. I mean before you got word to deliver it? (Objected to. Ruled out as before).

Ques. Did not you ask whether you should deliver it or not, and get an answer back not to deliver it at first. (Objected to. Ruled out as before).

Ques. Did you know that Mr. Wilson was on the ticket with Mr. Blair running the election, when you left the money in Blair's office?

Ans. I never gave my attention to politics at all. (Question repeated).

Ans. Well, I read it in the papers.

Hon. Mr. Pugsley — I will admit that he did run on the ticket and was elected.

Ques. (Mr. Hanington). Had you only two communications with Mr. Kelly from the time you came here till you came back?

Ans. I think that is all.

Ques. Now, before you came here you knew that Mr. Kelly was very anxious to get the docks in Saint John?

Ans. Well, I was not interested in politics at all.

Ques. But you knew that from Kelly, did you not?

Ans. No, he told me nothing about it.

Ques. Did not you hear him say anything about it?

Ans. Yes; I did not know he was interested in it.

Ques. Did you not know he was very anxious that Leary should get the contract. You knew that there was considerable discussion about

Leary getting the contract for building docks at Carleton? Ans. Yes.

Ques. Did you not know that Kelly was very anxious for Leary to get the contract? Ans. Yes, I suppose I did.

Ques. There was a good deal of difference of opinion in Saint John, was there not?

Ans. I don't know that there was much at that time.

Ques. When I speak of the contract I am speaking of getting the contract from the Government? Ans. I knew nothing about that.

Ques. All that you knew was that there was a contract for the dock?

Ans. I did not know what was going on with the Government at all.

Ques. You knew Leary was trying to get the contract for the dock? Ans. Yes.

Ques. And that Kelly was anxious he should get it?

Ans. I think so.

Ques. And you heard him say so over and over again?

Ans. I don't know that I had any conversation with him about it.

Ques. Will you swear you did not hear Kelly say that he was anxious for Leary to get the dock? (Objected to. Irrelevant. Ruled out as before).

Ques. The reason why you delivered this money, which was some time in the afternoon, was that you had got word from your partner to do it? Ans. Yes.

Ques. And that it was all right. (Objected to).

Ques. You got it out of the safe, did you, from the young man Berry? Ans. Yes.

Ques. Could you give us a closer idea of the hour than you have spoken of. Are you sure it was after one o'clock? Ans. Yes.

Ques. Well, if the young man said it was about twelve o'clock, he would be mistaken, would he? Ans. Yes, it was after one o'clock.

Ques. Did you see the money counted in Saint John. Was it counted in the bundle in your presence? Ans. No.

Ques. Who was present when you got it from your partner?

Ans. Not anyone.

Ques. Where did you get it? Ans. In our office.

Ques. Where did he tell you he had got it from? (Objected to, Messrs. Wilson, Mitchell and Hetherington concur, Mr. Phinney expresses no opinion. Ruled out).

Ques. What kind of notes was the money in. Were they crisp and new or how otherwise, but tell us the bank?

Ans. Either the British Bank or the Bank of New Brunswick.

- Ques. Were they all alike? Ans. I think so.
- Ques. Were they \$1, \$2 or \$5? Ans. \$5's.
- Ques. Do you tell me that in that whole package there was only \$1500. Did you count them all?
- Ans. I counted one package. There were three packages of \$500 each.
- Ques. Who counted the others? Ans. Mr. Barry.
- Ques. You counted one and he counted two packages? Ans. Yes.
- Ques. They were crisp, new notes, were they? Ans. No.
- Ques. There were \$500 in each, were there? Ans. Yes.
- Ques. How high was the package? Ans. 4 or 5 inches.
- Ques. What Mr. Barry did with these notes you don't know, do you?
- Ans. No.
- Ques. Did you ever see Mr. Leary? Ans. I have.
- Ques. Was he at your place of business, or where did you see him?
- Ans. At our place.
- Ques. Was he often there? Ans. Once or twice, I think.
- Ques. Was he talking to your partner?
- Ans. I think there were several gentlemen there.
- Ques. Who was there when Leary was there talking with your partner?
- Ans. I don't altogether remember because I just went to the office door and did not go in.
- Ques. You were there about your work and they were in the office?
- Ans. Yes.
- Ques. How often did you see them in the office?
- Ans. I think only twice.
- Ques. How long before the election was this?
- Ans. I could not say exactly.
- Ques. Well, about how long?
- Ans. I could not say; I have no idea. Probably it was a month before the election, and in the fall before the snow came.
- Ques. It was while this question of dock works was being agitated?
- Ans. Yes.
- Ques. It was also when there was discussion of the elections coming on? Ans. There was not much about the election at that time.
- Ques. It got hotter afterwards? Ans. Yes.
- Ques. It was anticipated there was an election coming on, was it not? Ans. Yes.
- Ques. You saw the gentlemen twice in your office with Kelly; who were there in there with Leary talking?

Ans. I think Mr. Pugsley was among them once.

Ques. How long would that be before the election?

Ans. I could not say; I did not make any minute at all.

Ques. About how long?

Ans. It might have been a month, two months, or three months.

Ques. And might have been less?

Ans. I think not, because I think we had considerable ice on the ground a month before election.

Ques. Will you swear there was no ice on the ground then?

Ans. I saw a coach coming up long wharf about that time, and there was no snow on.

Ques. Well, did not you see any coaches running in January?

Ans. Yes.

Ques. Was it not coaching all the time between Christmas and New Year's? Ans. Well, it might have been.

Ques. Will you swear this time you saw them that it was not between Christmas and New Year's?

Ans. No, I won't, because I have got no dates.

Ques. The only reason you have is that there was no snow on the ground? Ans. Yes, and I thought it was a little early in the fall.

Ques. Will you swear you did not see them within a fortnight of the election? Ans. No, I won't.

Ques. They were then talking about the dock business?

Ans. I don't know; did not hear what they said. I went to the door but no further.

Ques. Mr. Pugsley was there with them once? Ans. Yes.

Ques. Was that the first or the second time you saw him there?

Hon. Mr. Pugsley — Would you ask him whether it was I or my brother?

Witness — I was going to say it was either him or his brother.

Ques. (Mr. Hanington). But you thought it was him?

Ans. No, I would not say that; I don't know which.

Hon. Mr. Pugsley — I was never there in my life.

Witness — I rather think it was Mr. Gilbert Pugsley now.

Ques. (Mr. Hanington). Well, Mr. Leary was down there trying to get the dock works, was he not? Ans. I don't know.

Ques. Were you introduced to him? Ans. Yes.

Ques. Don't you know that that was his business — trying to get dock works? Ans. No, only what I heard in the press.

Ques. Did not your partner tell you so ?

Ans. No, I don't think he did.

Ques. Did not you while you were here say you would never be caught in such a scrape again ? (Objected to).

Ques. Did you say you would never be caught in such a scrape again — bringing up money and running round waiting for instructions ? (Objected to).

Mr. Hanington . It is alleged that this money was brought for election purposes. If so it is perfectly evident that this gentleman knew for what purpose it was. (Messrs. Wilson, Mitchell and Hetherington concur in objection and question is ruled out).

Ques. You said you walked round the town when you first came ; what were you looking for — Blair & Barry's office ?

Ans. No, I went up to Gunter's after going into one or two other places along the street.

Ques. Did you make inquiries until you went to Gunter's ?

Ans. No.

Ques. Did Mr. Barry ask you where the money was ? (Objected to. Messrs. Wilson, Mitchell, Hetherington concur ; Mr. Phinney expresses no opinion. Ruled out).

Ques. Did not Mr. Barry want the money, and you tell him that you would not give it to him, that you would give it to him when the paper was signed, and not before ? (Objected to).

Ques. What time did you go down to St. John ?

Ans. The evening of the day I gave the money.

Ques. What time did you leave here ?

Ans. I think the accommodation left about four o'clock.

Ques. How long had you paid the money over before you left ?

Ans. Some time between that and one o'clock.

Ques. Well, about what time did you say before ?

Ans. Between one and three.

Ques. Will you swear you paid the money an hour before you left ? Ans. No, I would not say to the half hour.

Ques. Will you swear that you had paid it over to Mr. Barry one half an hour before you went to the station ?

Ans. I would not swear to the exact time I did pay it ; it was sometime between one o'clock and the time I left town.

Ques. But had you paid it to him one half an hour before you left to go to the station ? Ans. I could not say.

Ques. Did you go and get the money as soon as you heard from Saint John and pay it over? Ans. Yes, I did.

Ques. Who was present when the money was counted?

Ans. Mr. Barry and I.

Ques. Alone? Ans. Yes.

Ques. In the inside or outside office? Ans. Inside office.

Ques. Had you ever been in the office before?

Ans. I supposed it was in the inside office.

Ques. Well, it was not the first room; it was the second room, was it not? Ans. I think the second.

Ques. Was it in the second room or third room?

Ans. I rather think it was the second room.

Ques. (Mr. Pugsley). You say that you came to see Mr. Barry, and it was he that you saw. You did not see Mr. Blair?

Ans. No.

Ques. You had no business with Mr. Blair, and did not come to see him? Ans. No.

Ques. You had no instructions to see him, and did not see him?

Ans. No.

Ques. (Mr. Phinney). You had instructions though, had you not before you left Saint John, with reference to this money?

Ans. Yes.

Ques. Did you bring it voluntarily, or by direction from other parties? Ans. No, I was asked to bring it.

Ques. You did not volunteer? Ans. No.

Ques. Did you see any other person except Kelly before you came up? Ans. No.

Ques. Do you know of your own knowledge where the money came from?

Ans. I did not ask a question; he just gave it to me.

Ques. Do you know of your own knowledge where the money came from? Ans. Yes, I think he drew it out of the bank.

Ques. From the Kelly & Murphy account or his own account?

Ans. He told me it came from our account.

Ques. From what bank did it come?

Ans. It would be the British Bank.

Ques. How was it drawn from the bank. By a cheque?

Ans. I don't know anything about that.

Ques. Who attended to the banking business, Kelly or you?

Ans. Both, occasionally.

Ques. Did you take a receipt for it of your own accord, or under instructions? Ans. Of my own accord.

Ques. Did you know it was for election purposes when you brought it up? Ans. Well, no, I was not told.

Ques. Well, did you know of your own knowledge?

Ans. No, I did not know that it was.

Ques. What was it for?

Ans. I was told to deliver it; I asked no questions.

Ques. Did you know what it was for?

Ans. No, I could not swear what it was for.

Ques. Do you want to leave the Committee under the impression that when you brought up \$1500 from Saint John before the election and delivered it to Blair & Barry's office, you did not know for what purpose you had brought it up? Ans. I did not ask the question.

Ques. But did not you know, whether you asked the question or not? Ans. No, I could not say that I did know what it was for.

Ques. For what purpose did you bring it up here?

Ans. I merely brought and delivered the parcel to him; that is all the instructions I had — to deliver it when I was told to.

Ques. You did not know what you were delivering it for?

Ans. No, for I did not get a receipt for any particular purpose.

Ques. Did you owe Mr. Barry? Ans. No.

Ques. Did Kelly & Murphy owe him? Ans. Not that I know of.

Ques. Do you know any other persons you were acting for?

Ans. Nobody but Kelly that I know of.

Ques. Then who were you acting for? Ans. Mr. Kelly.

Ques. Was this a gift to Mr. Barry?

Ans. It looked like that to me.

Ques. Was it a gift to Mr. Barry or not?

Ans. I don't know that, sir; I could not tell that; I know nothing further than that Kelly gave me the money to give to him.

Ques. You are perfectly innocent as to whether it had connection with elections or anything else? Ans. Perfectly innocent.

Ques. How did they come to entrust it to you?

Ans. I could not tell you that; they asked me a few minutes before I started.

Ques. Were you interested in the Saint John election? Ans. No.

Ques. Were you one of the Committee men down there?

Ans. No, I did not bother with the election.

Ques. What interest had Kelly in the York election, do you know that? Ans. No.

Ques. Had you any interest in the York election? Ans. No.

Ques. Then you were an innocent medium of conveyance of that money. You were entirely innocent of any knowledge of what it was for in any way?

Ans. I knew nothing about it till a few minutes before I started.

Ques. Had you no curiosity to know what it was for?

Ans. No, I don't know that I did; it did not concern me.

Ques. Do you know what it was for?

Ans. No, I could not swear what it was for; I would not like to swear what it was for, because I don't know.

Ques. Have you ever learned what it was for?

Ans. No, Mr. Barry never told me.

Ques. Did nobody ever tell you? Ans. No.

Ques. Has it been returned to you, any portion of it?

Ans. No.

Ques. Nor to Kelly? Ans. Not to my knowledge.

Ques. Where it is gone, you don't know? Ans. No.

Ques. Whether it was spent in York or Saint John County, you don't know? Ans. No.

Ques. Do you know whether it remained in Blair & Barry's office or not? Ans. I do not know.

Ques. (Dr. Atkinson). Did you say that this money was drawn out of the bank on your account and Kelly's together?

Ans. Well, he told me so.

Ques. You are partners? Ans. Yes.

Ques. If in a business transaction an amount was drawn out of the bank on account of you and Kelly, would you not be likely to inquire about it? Ans. No.

Ques. Well, for such an amount as this?

Ans. No, there are often larger amounts than that drawn. I would not have a partner unless I had confidence in him.

Ques. What proportion of this money would come out of your pocket? Ans. About one half, I guess.

Ques. Then when you took this \$1500 up to the office of Blair & Barry, one half of it was your own?

Ans. I don't say one half of it was my own.

Ques. It was drawn out of the bank on yours and Kelly's account, therefore one half of it was yours?

Ans. Lots of times we make a deposit when it is not one half mine and one half his.

Ques. If it was drawn on your account and Kelly's, would you not be responsible for one half of it? Ans. Certainly I would.

Ques. (Mr. Phinney). Did the amount pass through your books in any way—is there any entry in your books showing it?

Ans. No, I think not.

Ques. Where will it appear in your books?

Ans. In the bank book, I suppose.

Ques. Have you followed it up in any other book? Ans. No.

Ques. Have you an election fund account in the books?

Ans. No.

Ques. (Mr. Hanington). Will you swear that you don't know as a matter of business that that money was for the election in York. You have sworn that it was drawn on your account?

Ans. Mr. Kelly told me it was drawn on our account.

Ques. Well, do you tell me that having that information that it was drawn on your account you brought it up here not knowing whether that money was for the election in York or not, do you swear that? Ans. No, I don't swear that.

Ques. Don't you know it was intended for the election in York?

Ans. I don't know whether it was or not; I could not swear that it was.

Ques. But as far as you know, from your partner and from what took place, and the way you dealt with it, don't you know it was intended to go into the election in York?

Ans. No, he gave me instructions to deliver it there.

Ques. But from your knowledge of the business—you see this \$1500 was drawn from the bank by your cheque, was it not?

Ans. He said he drew it by our cheque.

Ques. Don't you know from the manner in which that business was transacted, as a matter of business and dealing with the funds, that this was intended to be spent in the elections. As this was transacted between you and your partner, and you and Mr. Barry, don't you know from that information and the way it was transacted that it was intended for the election?

Ans. I am not sure that it was.

Ques. Did not you believe it was? (Objected to).

Ques. Was it not intended by you for these elections?

Ans. It was not intended by me for anything; I only had the delivery of it.

Ques. Well, half of it was your own?

Ans. I did not say that; he told me that he drew it.

Ques. That being so, did not you intend it to go for the election?

Ans. It was not my intention at all; I had nothing to do with the intention of it.

Ques. Did not you understand from your partner that it was to go for the election?

Ans. No, he did not tell me anything of the kind.

Ques. Did not you understand it?

Ans. I could not swear that he intended it should go to election purposes.

Ques. Will you swear he did not intend it?

Ans. I don't know what he intended.

Ques. Did not he give you to understand that it was to go for the election? Ans. He did not.

Ques. What did he give you to understand it was for?

Ans. He did not tell me anything it was for; he told me to take it and deliver it in Fredericton as I was told, and I did so; he did not tell me what it was for.

Ques. (Mr. Phinney). What have you done with the receipt that you got? Ans. I gave it to Mr. Kelly.

Ques. Have you not seen it since you gave it to him? Ans. No.

Ques. Do you know whether it is on your premises now or in your safe? Ans. I could not tell you.

Ques. What did you give it to him for?

Ans. I wanted to show him that I had delivered the parcel — one good reason.

Ques. (Mr. Hanington). Did he tell you when you got back that Leary had the contract? Ans. No.

Ques. Will you swear that you never heard that from him?

Ans. I don't think it, for I did not understand at the present time that he had it.

Ques. You never understood that he had it from the government?

Ans. That he had it in full — that is I mean satisfactory.

Ques. Never was satisfactory do you mean?

Ans. I always understood he did not have it as yet.

Ques. Did not you understand from Kelly that he did not have it satisfactory? Ans. No.

Ques. Did not you understand, when you got back that day or the next day, from Kelly that the Government had given him the contract as far as they could?

Hon. Mr. Pugsley objects to conversations between Kelly & Murphy in the absence of Mr. Blair. Sustained by Mr. Wilson, Mr. Hetherington and Mr. Mitchell; Mr. Phinney and Dr. Atkinson dissenting, and question is ruled out.

Ques. (Mr. Hanington). Don't you know that that contract was dated that very day that you paid the money?

Ans. No, I did not know it.

Committee adjourns until to-morrow (Saturday) morning, at nine o'clock.

COMMITTEE ROOM,

SATURDAY MORNING, APRIL 12th, 1890.

The Committee met pursuant to adjournment.

Present: Mr. Wilson, Chairman; Hon. Mr. Mitchell, Mr. Hetherington, Mr. Phinney and Dr. Atkinson.

Dr. Pugsley appeared for Mr. Blair.

D. L. Hanington, Q. C., for Dr. Atkinson.

JEREMIAH H. BARRY, Called, Sworn and Examined by Mr. Hanington:

Ordered on motion of Mr. Hanington that subpoenas be issued by the Secretary for the attendance of Mr. J. G. Byrne of the Western Union Telegraph Office, Fredericton, and W. S. Hooper of the Canadian Pacific Telegraph Company's Office, and to bring with them the record books of all messages sent and received and all telegrams sent from or received at the said offices on the 16th and 17th January, A. D. 1890.

Ques. You are the professional partner of the Attorney General, Mr. Blair? Ans. Yes.

Ques. And have been for some time? Ans. For three years.

Ques. You hold office under his Government? Ans. Yes.

Ques. Clerk of the County Court? Ans. Yes.

Ques. And also Registrar of Probates? Ans. Yes, for a short time.

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Ques. You are now Registrar of Probates? Ans. Yes.

Ques. And appointed Registrar of Probates since the Election?

Ans. Yes, on the 19th March I think it was.

Ques. Of course you remember the last election? Ans. Yes.

Ques. I suppose you took a pretty active part in it? Ans. Yes.

Ques. Were you treasurer for the election?

Ans. No, I cannot say that I was.

Ques. Who was treasurer of the fund?

Ans. I was going to say that there was no executive committee or treasurer.

Ques. You were not treasurer? Ans. No.

Ques. You received, it is in evidence — you were in Court I suppose. You know Mr. Murphy who was a witness last night?

Ans. Yes.

Ques. He came to your office he says on the 16th January, in the evening of Thursday, the sixteenth January?

Ans. Yes, I think he was there — that was Thursday — yes, he did.

Ques. And he paid you the money that he speaks of on the 17th?

Ans. That is on Friday. Yes, that is correct.

Ques. Does his memory agree with yours as to the time he paid it in the afternoon?

Ans. I have not a distinct recollection as to the hour.

Ques. Would it be two or three o'clock?

Ans. It was after the noon hour but I would not undertake to say the time. I know it was before four o'clock as he said he was going away on that train.

Ques. Do you think it was shortly before four o'clock?

Ans. No, my impression is that it was before I had my dinner.

Ques. At what hour do you have your dinner?

Ans. Usually at one o'clock.

Ques. He said it was about two or three o'clock — you do not agree with him there? (Objected to). Witness should not be controlled by a statement of a prior witness. Mr. Hanington proposed to ask the witness if he was present and heard certain statements made, and then to ask whether he was prepared to say the other statement was incorrect or not, and he contended that such was his right in any court.

Ques. Is that correct or is it not?

Ans. I am not prepared to say it was not after his dinner, but my impression is that he paid me the money before I had my dinner that day, although I may be wrong in that.

Ques. And, therefore, you are not in a position to say positively it was not as he says?

Ans. I am not prepared to say he is not right, although my impression is the other way.

Ques. You saw him on the evening before he paid the money?

Ans. Yes.

Ques. How long was he in your office?

Ans. Just a very short time.

Ques. About how long?

Ans. I do not think he was in my office that evening more than ten or fifteen minutes.

Ques. He told you his business? Ans. Yes.

Ques. You heard him say last night what his business was?

Ans. Yes.

Ques. That he had something to deliver to you on word from Saint John — did he tell that?

Ans. No, he did not tell me about word from Saint John.

Ques. He told you he had money for the election?

Ans. He said he had a package.

Ques. A package of what? Ans. I do not think he mentioned what.

Ques. What did you understand from him?

Ans. I understood a package of money.

Ques. Did he tell you why he had not brought it down then?

Ans. No, I do not think he did.

Ques. Did you not understand from him before he paid it that his instructions were not to pay it until he had got word from Saint John?

Ans. I understood he was not to hand it over until he got word from Saint John — but Mr. Murphy talked very little that evening, in fact he talked more about matters in Saint John than matters in Fredericton.

Ques. Did he talk anything about the doek in Saint John?

Ans. No, the subject was not mentioned.

Ques. Did he talk about the election in St. John? Ans. Yes.

Ques. Did he tell you how much money he had?

Ans. No, he did not.

Ques. Did you ask him? Ans. No, I did not.

Ques. Then when did you next see him?

Ans. I did not see him again till he came next day — he was only in there on the two occasions.

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Ans. Yes.

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Ques. Are you sure of that? Ans. Yes, I am quite sure of it.

Ques. Did you see him in the meantime?

Ans. I saw him after he was at my office at the Queen Hotel.

Ques. Who was present?

Ans. He was sitting on the lounge talking to two or three gentlemen and I merely recognized him as I went in.

Ques. Your office is the Attorney General's office and was occupied by him before you went in there as his partner, is it not?

Ans. No, we went in there since.

Ques. It is the office you and he occupy as partners? Ans. Yes.

Ques. You had met him before?

Ans. Yes, I have been acquainted with Mr. Murphy for several years.

Ques. Then he came down there again the next day — the 17th — and paid you that money? Ans. Yes.

Ques. Did he tell you he had heard from St. John?

Ans. No, he did not.

Ques. He did not say anything about that?

Ans. My recollection is, he said it was all right and he would leave the package and go home.

Ques. And then you understood from him he had heard from Saint John? Ans. I did gather that.

Ques. You did gather that he had heard from Saint John and that it was all right and he would leave the package and go home, and I think, if I understood you rightly, you understood from him that he had this package for you, but had not brought it down the first night. Are you sure that he did not give you to understand the first night that he expected to hear from Saint John?

Ans. I think he did not; I do not think he did.

Ques. But at any rate, you did understand from him while here that in consequence of having heard from Saint John he paid it over, and that it was all right; did he not in fact say that?

Ans. That was the impression I gathered from his remarks.

Ques. And that impression you gathered from what he had told you was that he had heard from Saint John, and it was all right, and to hand you the package over?

Ans. The impression I gathered from Murphy was that he was not to deliver the package to me until he heard from Saint John that it was all right, and then he would hand over the package.

Ques. Was it not that he had heard from Saint John, that it was all right, to deliver it to you?

Ans. I do not know about him saying it was all right.

Ques. But you understood that?

Ans. I understood he had heard from Saint John, and that he was to deliver it to me.

Ques. And that he was not to do that until he had heard from Saint John? Ans. Yes, that is right.

Ques. Then you did understand from him that the word from Saint John was that it was all right, to hand it to you?

Ans. I say that the impression Murphy conveyed to me was, that having heard from Saint John, he was at liberty to hand over the package.

Ques. Which he was not at liberty to do until he heard from Saint John; now is not that what you understood from him?

Ans. Yes; I understood he had to hear from Saint John before delivering it.

Ques. Did you not understand from him that he had heard from Saint John, that it was all right, to deliver it to you?

Ans. I understood that Mr. Murphy had heard from Saint John and therefore had liberty to deliver the package.

Ques. The exact message he got you do not know?

Ans. I do not, nor hear from him he got it.

Ques. You received the money and counted it?

Ans. I counted part of it.

Ques. It was \$1500? Ans. Yes.

Ques. Was that all the money you got from him?

Ans. That is all the money I got from him.

Ques. And that money you kept? Ans. Yes, temporarily.

Ques. And that money went into the York elections, did it not?

Ans. Yes, that money went into the York elections.

Ques. In support of Mr. Blair, Mr. Wilson, Mr. Bellamy and Mr. Anderson, the Government ticket, did it not?

Ans. I would not like to undertake to say that.

Ques. It was paid out by you for that purpose?

Ans. Yes, that was my intention.

Ques. You paid it out to persons to spend in the election?

Ans. I gave it to gentlemen who were promoting the interests of the Government ticket.

Ques. To expend in the election?

Ans. Yes — well, I don't know about that; some of that money I paid out since, I think.

Ques. Elections bills, were they?

Ans. Yes, printers' bills and one thing or another.

Ques. How much of that money went out before polling day?

Ans. How much money went out of the office?

Ques. Yes. (Objected to — immaterial — incompetent for Committee to inquire into details of how money spent).

Mr. Hanington said he had not the slightest desire or aim, and had not in his mind any intent to particularize; he would not go into such a thing at all, and only because it was a necessity thrust upon him, in this inquiry, would he go into it more, he would not do.

Hon. Mr. Pugsley — While acquitting the honorable gentleman from any intention of the kind, still thought he might have had instructions to pursue a certain course, and obtain evidence for other purposes than that of this inquiry.

Mr. Hanington said he had received no instructions, and that if the reference was to Mr. Gregory, he (Mr. Hanington) had not the slightest instruction from him, nor had he conversed with him on the subject, nor did he have the slightest intention of using the present inquiry for any ultra purpose; he only proposed to show that the money went for the purposes of the election.

Ques. I want to ask you, please, how much money of that was paid out for election purposes before polling day — about how much?

Mr. Wilson — You are speaking of this \$1500.

Mr. Hanington — Yes, I am.

Witness — I could not say as to that, I made no distinction in respect of that money, where it went.

Ques. Between that and others?

Ans. Yes, if you like to say so; I think probably that only a very small portion of it was used before polling.

Ques. Did not Mr. Hughes get some of it? (Objected to — immaterial).

Chairman to Mr. Hanington — Formulate your question.

Ques. Did not Mr. Hughes, who was appointed Engrossing Clerk in Mr. Beckwith's place, get some hundreds of dollars of that money to take out into the country for election purposes? (Objected to — immaterial — irrelevant, and if question proper, then equally proper

to go into minute details, and only object of such inquiry would be to assist petitioners case in the pending protest).

Mr. Hanington — The charge is that certain money was spent in the securing, etc., of certain gentlemen — quite proper to go into details; did not desire to do so, nor did he desire to get evidence to aid scrutiny.

Mr. Mitchell and Hetherington stating it was inadmissible; and Messrs. Phinney and Atkinson that it should be allowed; the Chairman ruled the question out.

Ques. What proportion of this money so far as you know was paid to go out into the country to be used at the polls, or was any portion of this money used for that purpose?

Ans. I really could not answer that question for the reason I stated before, that this money was not the only money I had, and I made no distinction. I made no distinction between the moneys I had.

Ques. Then did this money go into your books? Ans. No.

Ques. It went into, if I understand you rightly, the election fund?

Ans. Yes.

Ques. And there was no distinction made — no discrimination in the expenditure between this and the other? Ans. None whatever.

Ques. You were known by the ticket to be in charge of any funds, were you not? Ans. I presume so.

Ques. Mr. Blair, the Attorney General, knew that?

Ans. That I had charge of the funds?

Ques. Yes? Ans. I presume so.

Ques. There is no doubt about that?

Ans. I do not think there would be any doubt of it.

Ques. From your communication with him — did he not give you directions as to the election fund and generally as to the fund?

Ans. Mr. Blair and I talked generally in reference to the matter.

Ques. And that you were to have charge of the election fund, did he not? Ans. No, I do not think he ever did.

Ques. Did he not know that you had charge of the fund for expenditures in the election? Ans. He knew that.

Ques. And he told you some of the places or persons it was to go to, did he not? Ans. I think he did.

Ques. Do you not know he did?

Ans. I am not positive; I saw Mr. Blair but very little during the election.

Ques. Do you say that you are not positive he did tell you where to send the money?

Ans. Well, I have no recollection at present that he did give me directions.

Adjourned to meet at call of the Chairman.

Committee resumed at 10.50 a. m., April 12th, 1890.

Examination of Jeremiah H. Barry resumed by Mr. Hanington.

Ques. Your last answer was that you did not know that the Attorney General gave you any instructions as to where the money was to go?

Ans. I have no recollection of it.

Mr. Pugsley — Or as to the money at all?

Ques. (Mr. Hanington). Do you say that you had no instructions or directions as to the money at all from him?

Ans. I do not think I went so far as that.

Ques. Do you not know that the Attorney General did speak to you about the money himself — I mean the money matters of the election?

Ans. Yes, I think he did.

Ques. If you know it say it — did he or did he not?

Ans. Yes, he did.

Ques. Did he not arrange with you or inform you that money would come to you to go into the election funds?

Objected to — evidence only sought to aid election scrutiny.

Dr. Atkinson — That is not true.

Mr. Hanington said he did not propose to ask how much was contributed by Mr. Blair as that was not important to inquiry yet. It was important to show witness was custodian of the funds, as he stated he was, and he had now told the committee that he did not know Mr. Blair had given him any instructions.

Witness — As to the persons to whom it was to be sent.

Mr. Hanington said it was not his object to show where or to whom it was sent but that the Attorney General, Mr. Blair, had knowledge that the money was there and that he knew it was being expended. He only wanted to prove agency with reference to the subject matter, and not anything to aid scrutiny.

Mr. Pugsley asked if what was sought had anything to do with the inquiry.

Mr. Mitchell said — Nothing whatever.

Mr. Wilson read resolution and recited what had been proven in the course of the investigation, and that it was now sought to be proved how much Mr. Blair had contributed to the election fund.

Mr. Hanington — I did not ask that; I only want to know if he consulted with him as to where it was to go. I only want to prove the agency.

The question having been read by the stenographer, as at top of page, the Chairman asked for the opinion of the Committee as to its admissibility when —

Hon. Mr. Mitchell — I think that as the learned Counsel is seeking to establish an agency between Mr. Blair and Mr. Barry, then I think the question is admissible, but restricted, however, to this \$1500 from St. John, otherwise I do not think it is.

Mr. Hetherington — I have my doubts as to its admissibility.

The Chairman — I also agree, subject to that restriction, that it is admissible and competent to establish agency between Barry and Mr. Blair in reference to this matter.

Mr. Phinney — The question as originally framed was highly objectionable as it would go beyond our inquiry, but the question as now framed is to my mind admissible as it is for the purpose of establishing agency between Mr. Barry and Mr. Blair.

(The question as originally put was: Did he not furnish money to go into the election or arrange with you or inform you that money would come to you to go into the election fund?) The question as set forth on the top of page 10 hereof, viz: Did he not arrange with you or inform you that money would come to you to go into the election? was then read to the witness, who answered:

Ans. Generally, yes, he did.

Ques. He was not in town when this money came?

Ans. No, he was away from Monday of that week and did not get back till the following Saturday.

Ques. (The Chairman). You say now that Mr. Blair went away on the Monday of that week?

Ans. Yes, that is my present recollection.

Ques. (Mr. Pugsley). You did not see him till the following Saturday? Ans. I saw him after he came home from Saint John.

Ques. (Mr. Hanington). Did you tell him that this money had come? Ans. I do not think I did.

Ques. Will you swear you did not?

Ans. I will swear I did not.

Ques. Will you swear you never told him?

Ans. I will swear I never told him that this money came.

Ques. This or any money that came from Saint John?

Ans. Yes; I will swear that I never told him that.

Ques. He got back at what time on Saturday?

Ans. I think he came up in a special train after the Institute meeting; at what time he got here, I do not know.

Ques. Did he stay in town that day?

Ans. He was in the office a part of the time.

Ques. When was this money sent out into the country for the election?

Ans. Well, it was sent out several days before polling; some was sent earlier and some later.

Ques. Some was sent on Saturday? Ans. Yes, I think so.

Ques. Some on Sunday? Ans. No; I kept the Sabbath.

Ques. It was sent out into the different parts of the country during the week? Ans. Yes.

Ques. Then some was sent on Saturday? Ans. Yes.

Ques. Was a considerable portion sent on Saturday night; did it run on down to Saturday?

Ans. A very inconsiderable portion, I should say.

Ques. How much on Friday and Saturday?

Ans. I do not know how much; I could not state how much was sent on Saturday.

Ques. Would it be to the extent of some hundreds of dollars? (Objected to — immaterial. Mr. Pugsley asked for ruling of Committee).

Mr. Mitchell — It is immaterial whether \$1 or \$100.

Mr. Hetherington — It has been established that money was sent out, and that is sufficient in my judgment.

Mr. Phinney — I do not think we are here for purpose of controlling prosecution as to what is material, that will be a question for Committee hereafter. That question arises hereafter. In my opinion, question proper.

The Chairman — My opinion is against the question.

Mr. Atkinson — I think it ought to be admitted.

The Chairman — The opinion of the majority is against it.

Question ruled out.

Ques. You said there was no executive committee? Ans. Yes.

Ques. Then tell me who directed where the money was to go for election purposes? Ans. I did it largely myself.

Ques. Did you do it wholly yourself? Ans. Almost wholly.

Ques. The amount and the persons to whom it was to go?

Ans. Yes, almost wholly myself.

Ques. Will you swear you had no instructions from the Attorney General as to that? (Objected to — irrelevant to issue — immaterial).

Mr. Hanington urged its reception stating he did not propose to ask what the instructions were.

(Question allowed). Mr. Hanington then puts it in this form :

Ques. Will you swear he did not give you instructions as to where the money was to go or any part of it — that is the election fund ?

Ans. I answered that question before, that I have no distinct recollection of Mr. Blair directing me who was to get the money or where it was to go.

Ques. Would you swear he did not ?

Ans. I would not like to swear ; but I have no distinct recollection of his mentioning any particular person or particular place where it was to go, although I would not swear positively that he did not.

Ques. Then who did you consult — did any one of the Government ticket ?

Mr. Wilson — You said you were not going into the particulars ?

Mr. Hanington — I am not going into details. I have the right to put the question.

Ques. Who did you consult or who consulted with or spoke to you about where the election fund moneys or any part of it was to go, if no Executive Committee ? (Objected to — irrelevant).

Mr. Hanington pressed its reception. It being charged it was used for election purposes of himself and supporters.

Messrs Mitchell and Hetherington thought it inadmissible.

Messrs Phinney and Atkinson thought it admissible, the former stating he wanted it distinctly understood that his assent to the question being answered was solely upon the ground that it was confined to the Attorney General and his colleagues and their agents.

Mr. Hanington said that was all he proposed to do but he did not want to name them.

The majority of Committee then ruled question out.

Ques. Do you not know that Mr. Wilson, the candidate, and the Chairman here, spoke to you and you to him on the subject of where this election money was to go ? (Objected to — irrelevant).

After the Chairman said he felt some little delicacy in expressing an opinion on the question, as he was personally interested, he would withdraw any objection he had made to the question the witness stated. The Committee being 2 and 2.

Ans. I do not think he did ; I have no recollection of his having done so.

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Ques. Did you tell Mr. Wilson that any money came from Saint John? Ans. No.

Ques. You say the Attorney General was not in town that day; do you know if Mr. Mitchell was in town; did you see him?

Ans. The present Secretary?

Ques. Yes?

Ans. I saw the Provincial Secretary in town for two or three days the latter part of the preceding week.

Ques. You had no communication with him about this election business? Ans. About this Saint John business?

Ques. Or about the funds at all — the election funds?

Ans. I think I did have some conversation with the Secretary about election funds.

Ques. Had you any with reference to any money from Saint John?

Ans. No.

Ques. I think he was taking an active part in the elections here, was he not?

Ans. Yes, he was, he was here polling day and at the polls.

Ques. Was Mr. McLellan here that day?

Ans. The Hon. Mr. McLellan?

Ques. Yes? Ans. No, I do not think he was.

Ques. Nor any other member of the Government?

Ans. I do not think there was any other member of the Government here; I do not remember having seen Mr. McLellan; in fact I do not think he was in Fredericton.

Ques. Did you communicate with Attorney General Blair that day, and if so, where was he — that is the seventeenth of January?

Ans. That was on Friday?

Ques. Yes?

Ans. I did communicate with Mr. Blair that I think at Canterbury Station, where he was the previous night.

Ques. What time in the day?

Ans. I would not undertake to answer that, Mr. Hanington, and be correct.

Ques. Was it upon the subject of the election?

Ans. It was on the subject of his going to Saint John to speak at the Institute that Friday night; that was the only thing I communicated with Mr. Blair that day about.

Ques. He went to Saint John? Ans. Yes.

Ques. Do you know how he went?

Ans. I presume he must have gone down by the afternoon train. I was just going to say I am not sure whether it was Friday morning or Thursday night I did it. I know I telegraphed him at Canterbury, whether it was in the morning before he left there, or in the evening, I am not quite sure.

Ques. He had a meeting at Canterbury on Thursday evening?

Ans. Yes.

Ques. And then he did not come back here till Saturday morning?

Ans. No.

Ques. Which office was it sent through?

Ans. I think all the telegraphing I did was through the Western Union.

Cross-examined by Mr. Pugsley :

Ques. You are aware that Mr. Blair went to Saint John to speak at the Institute? Ans. I was aware he got a telegram to go.

Ques. Are you aware that the friends of the Government were anxious he should come and address a public meeting there?

Ans. Yes, I am aware of that fact.

Ques. During the election campaign, was Mr. Blair nearly all the time out through the country?

Ans. Yes, he was a very little portion of the time in Fredericton from the time the campaign opened till the close, and I saw very little of him, indeed.

Ques. You said that Mr. Murphy never said or intimated to you that the Saint John dock had anything to do with this money?

Ans. The Saint John dock was never mentioned between Murphy and I.

Ques. Do you say that he simply said that he was expecting word from Saint John, and afterwards he told you he got word and he handed you the money? Ans. Yes.

Ques. I suppose you could not tell how many thousand dollars was spent on the other side by the opposition?

Ans. No, I would not like to undertake that.

Ques. I will ask you this. There is something alleged about a contract with Mr. Leary; did you ever see any such contract, or hear anything of the contract?

Ans. I never heard of any contract until I saw it announced in the press that it was signed.

Ques. There was no contract prepared in your office?

Ans. No, not that I know of.

Ques. You never heard of any contract being prepared for the dock at St. John till then? Ans. No.

Re-examined by Mr. Hanington:

Ques. Do you say that you did not know of any contract being prepared? Ans. I say I did not know of any.

Ques. Does not the Attorney General prepare the contracts?

Ans. I presume he does, he or the other crown officer; there might be lots of contracts prepared as Government business that I do not know anything about being prepared, and I would not know unless the Attorney General asked me to draft it or have it prepared.

Ques. Then you do not know of any contract having been prepared in relation to the St. John dock?

Ans. I am positive that I saw no contract with the Government with regard to Mr. Leary, and had nothing to do with the preparation of it, and had not known of it until announced in the papers.

Ques. Then it was not done in the office. Do you know that the Solicitor General was then acting for Leary as counsel?

Ans. No, I thought it was G. R. Pugsley.

Ques. They are brothers; do you know whether they are partners or not? Ans. No, I do not know.

Ques. You thought his brother was acting for Mr. Leary?

Ans. Yes, I saw it announced in the papers; that was my only knowledge.

Ques. You do not know who drew the contract? Ans. No.

Ques. But you know that in the Attorney General's office at Fredericton you did not see it? Ans. I know that.

Ques. And when it was sent, you do not know, except from the date? Ans. No.

Ques. Who took it to St. John, you do not know, or do you?

Ans. No.

Ques. Did you hear who took it to St. John at that time? Ans. No.

Ques. Did not Mr. Murphy or somebody speak of it going to St. John that day? Ans. I have no recollection.

Ques. Why, hesitate?

Ans. I did not hesitate; I am not hesitating, I am just seeking to give a correct answer.

Ques. Do you know when it went from Fredericton to St. John?

Ans. No.

Ques. Did you have any communication about it at all — was there

any communication came that you saw in reference to that contract going to St. John, or anything about that?

Ans. I have no recollection of any communication in reference to that contract.

Ques. Have you any recollection of any communication with reference to a contract with Leary, or about the docks?

Ans. I have a recollection of a communication asking me to send some paper to St. John.

Ques. Who from?

Ans. I think that telegram came from — well, I would not say now.

Ques. As near as you can tell?

Ans. I would not undertake to say.

Ques. As near as your recollection serves you?

Ans. My recollection is not sufficiently clear to state, to my own satisfaction.

Ques. Who do you think it was from?

Ans. My impression is, it was from St. John.

Ques. To send the papers to St. John? Ans. Yes.

Ques. When did you get that; it was a telegram?

Ans. Yes, it was a telegram or a telephone communication.

Ques. Was that sent to you on the seventeenth of January?

Ans. I would not undertake to say when it was.

Ques. Was it not the day that he left Canterbury?

Ans. No, I do not know it was.

Ques. You do not know the date? Ans. No, I do not know the date.

Ques. Were not those papers connected with the dock?

Ans. I do not remember, I know I did not read the paper.

Ques. Have you got the telegram? Ans. No.

Ques. Where is it?

Ans. I always destroy at the end of the month all my papers that are of no use to me, and all those telegrams are destroyed.

Ques. Do you tell me you destroy telegrams?

Ans. I generally do at the end of the month, when I am filing away my letters.

Ques. Did you, in consequence of getting that telegram, send certain papers to St. John?

Ans. I either sent them or some one in the office.

Ques. In whose office? Ans. In our office.

Ques. They were sent?

Ans. Yes, that is the instructions contained in the telegram were carried out.

Ques. And you tell us now that had no reference to the docks or improvements at St. John?

Ans. I say that I have not the slightest recollection as to the docks.

Ques. At any rate those papers were sent? Ans. Yes.

Ques. Can you tell what mail they went by?

Ans. No, nor the date of the telegram.

Ques. Can you tell about when? Ans. I would not be sure.

Ques. Was it when Mr. Blair was away that week? Ans. Yes.

Ques. And you sent them? Ans. Yes.

Ques. Did you mention of having received word from Mr. Blair to Mr. Murphy?

Ans. No, in fact Mr. Murphy and I talked very little; he is not a very talkative man.

Ques. Then, so far as you know, you do not know when it was sent? Ans. No.

Ques. You do not know whether the then Provincial Secretary was here? Ans. I think he was not here.

Ques. You had, if I understand you correctly, in Mr. Blair's absence, a message by telegraph or telephone to send certain papers to St. John, which papers, what they related to, you do not now recollect, is that correct? Ans. Yes.

Ques. And you sent them to him?

Ans. No, I think they were sent to the Solicitor General.

Ques. Who was the Solicitor General?

Ans. The Hon. Mr. Pugsley.

Ques. Then certain papers were to be sent from here to Mr. Pugsley, and they were sent; they were up there in your office, or did you come down to the department to get them?

Ans. No, they were in the law office.

Ques. In Mr. Blair's room?

Ans. Yes, I expect they would be there.

Ques. On his own table? Ans. Yes.

Ques. And those were sent? Ans. Yes.

Ques. Do you know if the message was telegraph or a telephone message? Ans. I think it was a telegraph message.

Ques. Was it a considerable bunch of papers?

Ans. No, it was not; I remember of having seen a contract or

some paper or writing done with the typewriter in Mr. Blair's office ; I thought it was a very small paper.

Ques. You had seen it there, it was done by the typewriter what you saw in Mr. Blair's office ? Ans. Yes.

Ques. You spoke of a contract ?

Ans. That was sent, I saw it was something connected with Government business, and I never bother my head with such things.

Ques. You used the word "contract" in some connection with it. What was that ?

Ans. I used the word "contract" because you had used the word in your question.

Ques. You had no idea whether a draft contract or a contract, or what it was ?

Ans. No, I never read the Government business.

Ques. Can you tell what time you received that message ?

Ans. No.

Ques. Or the time you sent the paper ?

Ans. No, I could not tell the day nor the hour, because I would not attempt to do so in justice to myself.

Ques. Can you say whether you got that despatch and had sent those papers before Mr. Murphy came up or not ?

Ans. Inasmuch as I do not remember when I got it, and do remember when Murphy was up ; I cannot answer that question.

Re-cross-examined by Mr. Pugsley :

Ques. You spoke of my brother being counsel for Mr. Leary ; have you any other knowledge outside of the newspapers ?

Ans. I saw it in the papers that Mr. Gilbert Pugsley had purchased some property for him in Carleton.

Ques. Have you ever spoken to him about it ?

Ans. I had no conversation in my life with Gilbert Pugsley about it, but my knowledge is just from seeing the papers.

Ques. (Mr. Hanington). Did you reply to Mr. Blair that you had sent the papers ?

Ans. No, I do not think I did, I have no recollection of having done so ; I was pretty busy at the time, and I did no more correspondence than I could help.

Ques. (Mr. Phinney). Before Mr. Murphy came up from St. John, did you know he was coming ; had you any intimation he was coming ?

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Ans. Yes ; but I did not know Mr. Murphy was coming ; I knew somebody was coming.

Ques. How did you learn that ?

Ans. I had received a communication from St. John.

Ques. From whom ? Ans. From the Solicitor General.

Ques. The present Solicitor General ?

Ans. Yes, the gentleman to my left.

Ques. Have you that communication ? Ans. No, I have not.

Ques. The communication informed you that some person was coming up from St. John ?

Ans. It said a party would call on me that night.

Ques. For what ? Ans. I do not think it stated.

Ques. For what purpose ?

Ans. My recollection of the telephonic message ; it was a telephonic message, because I think it was written out in the telegraph office and sent to me ; my recollection is that it was to the effect that the friends of the Government party, or the Government party in York, or something like that, would send a messenger up from St. John, and for me to see him that evening, and, therefore, I was expecting him.

Ques. Had you any knowledge of what his mission was at that time — that is what the mission of the messenger was at that time ?

Ans. No, my present remembrance is that that was the first intimation I had of it.

Ques. Had you no shrewd suspicion of what it was ?

Ans. I had a suspicion — we all have our suspicions — whether shrewd or not.

Ques. You were in waiting for him ?

Ans. I was in my office — yes.

Ques. Waiting his arrival ? Ans. Expecting his arrival.

Ques. Then it was no surprise when he called at the office ?

Ans. None whatever.

Ques. Did you require any introduction to him ?

Ans. No, I had known him for several years.

Ques. Did he ever meet you in your office before ?

Ans. Not where we are at present located ; he was never in my office where it is at present, before.

Ques. Do you say he told you when he arrived he had a parcel for you ? Ans. I do not think I said that.

Ques. What did he tell you when he came to your office?

Ans. What was the previous question?

Ques. Did he tell you when he arrived that he had left a parcel for you at Gunter's — I understood you to say that he told you he had a parcel for you but you did not know what it was?

Ans. I do not think I said anything of the kind.

Ques. What did he tell you when he came?

Ans. I told Mr. Hanington that Murphy and I talked very little that night. He intimated that he would see me in the morning.

Ques. The way I have it here is: "The evening before he told me his business; he told me he had a package to give to me." Is that correct. "I understood it was a package of money." Is that correct?

Ans. I would like to see what the reporter has.

Ques. Did you understand that from what he said or from what you heard from St. John? Ans. From what I heard from St. John.

Ques. Then the intimation was an intimation that a messenger was coming with money? Ans. Yes, that is the impression I had.

Ques. What amount of money? Ans. It did not state.

Ques. Did you know where it was coming from?

Ans. I knew it was coming from St. John.

Ques. Did you know the source?

Ans. No, I did not seek to inquire.

Ques. Did you know that Kelly & Murphy contributed it?

Ans. No, I did not know who contributed it, and do not know yet.

Ques. Knowing it was money and anticipating it was money, did you ask him for it?

Ques. No. I am very glad that you asked me that question.

Ques. Why did you not ask him — was this the messenger you were expecting? Ans. No, it was not.

Ques. Who did you expect? Ans. I expected Alderman Kelly.

Ques. You expected him, and then you were surprised to find Mr. Murphy come? Ans. No, not surprised.

Ques. After getting over the measure of surprise you had, did you not ask him for the money?

Ans. No, I did not ask him for the money.

Ques. Did he volunteer to tell you anything about the money?

Ans. Perhaps I misunderstand your question; do you mean if I asked him to hand over the money or asked about it?

Ques. Did you ask him about the money when he came?

Ans. I do not remember that I asked him; he volunteered; I do not pretend to remember the conversation we had.

Ques. Then did you express to Mr. Murphy your surprise that Kelly had not come? Ans. No.

Ques. Why more reasonably expect Kelly than Murphy?

Ans. I expected it from the nature of the communication I had received.

Ques. Did I understand that the communication in so many words informed you that Kelly was coming?

Ans. That is the impression I have of it now.

Ques. Your communication was that Kelly was to come from St. John with a certain amount of money for election purposes?

Ans. Yes.

Ques. And that was from the present Solicitor General, Mr. Pugsley? Ans. Yes.

Ques. Then about this money—the next morning you and he counted it over? Ans. The next afternoon.

Ques. You counted it over? Ans. Yes, part.

Ques. How much was there?

Ans. Three packages of \$500 each, it was all in \$5 bills of the Bank of British North America.

Ques. Where did you put it when you got it?

Ans. I put it into my own safe in the office.

Ques. Who took it out? Ans. I did.

Ques. You put it into your own safe?

Ans. Yes. It was a safe I had before going into partnership, and I moved it into there.

Ques. Was all this money spent in York County?

Ans. I would not undertake to say that.

Ques. None of it went over to Northumberland?

Ans. I cannot tell where it goes after I lose control of it.

Ques. Do you not feel any interest in knowing?

Ans. Yes, I take a vital interest in it.

Ques. You put it into the hands of trusty persons?

Ans. I supposed they were trusty and I think they were.

Ques. When you received instructions from the Attorney General to forward the documents, did you not know what documents you had to forward? Ans. I would have known if the communication said so.

Ques. How did you get hold of the proper document to send?

Ans. Because the communication spoke of a contract or some paper between the Government, and it was sent to Mr. Pugsley. There was something connecting Mr. Pugsley with it, but I don't remember what the communication said.

Ques. Your impression and your recollection is that it referred to a contract? Ans. My impression is, it referred to a contract.

Ques. That would be very indefinite information. How did you know what contract, or what information did you get?

Ans. Because Mr. Blair left very few papers there.

Ques. Did he designate the pigeon hole? Ans. I think he did.

Ques. Was it sealed? Ans. No, it was open.

Ques. Do you pretend to say you did not examine it?

Ans. I examined it so far as to identify it with the telegram.

Ques. Cannot you tell us from that identification what it was?

Ans. No, I could not.

Ques. Have you no idea of what the paper was?

Ans. I have no recollection now what the paper was.

Ques. Have you any idea it was a contract between the Government and J. D. Leary?

Ans. Not from anything that I remember of having heard at the time.

Ques. Or seen at the time? Ans. No.

Ques. Have you any knowledge about it?

Ans. I have no recollection about it.

Ques. Have you any doubt about it in your own mind that it was the identical document?

Ans. I would say to that, I have no doubts one way or the other; I would say that I do not know what the contract or paper was.

Ques. Did you ever see the Leary contract? Ans. I may have.

Ques. The typewritten copy?

Ans. I would not swear I have ever seen it, or not now, although I would not swear I did not see it.

Ques. Was it drafted in your office?

Ans. I would not say; I answered Mr. Hanington those questions.

Ques. (Mr. Pugsley). You say that I telegraphed you from St. John that some friends of the Government there were willing to assist in the York election, and that Kelly would be up that evening?

Ans. Yes. (Mr. Phinney raised objection to Mr. Pugsley further examining witness. Mr. Pugsley then said it was no matter, and Mr. Phinney withdrew his objection).

Ques. Was that the first intimation you had that anyone was coming from St. John? Ans. Yes.

JOHN KELLY Called, Sworn and Examined by Mr. Hanington:

Ques. You reside in St. John? Ans. Yes.

Ques. You are of the firm of Kelly & Murphy? Ans. Yes.

Ques. You remember the last election in St. John?

Ans. Yes, have a distinct recollection of it.

Ques. At the election time and about the election time, there was considerable discussion, was there not, as to the dock works and the contract for the works? Ans. Yes.

Ques. You took a very active part in it — you were anxious to have the dock built? Ans. Yes, and the improvements also.

Ques. You took a very active part in getting a contract entered into in that way, did you not, and you were anxious that a contract should be made for those works? Ans. With whom?

Ques. I am not asking you about that at present. You were very anxious that the city should enter into a contract for the works?

Ans. For the works, yes.

Ques. With Mr. Leary?

Ans. Not particularly with Leary at first, but with Leary when he made the proposition and was satisfactory to the Council. I want to place myself right in this matter —

Ques. Allow me to put the questions?

Ans. I shall answer them as my conscience dictates. I want to answer any question you put to me that is right and I want to answer them just as they took place.

Ques. Were you anxious that the contract should be entered into for the construction of those works? Ans. I was.

Ques. Very anxious, were you not?

Ans. Not very anxious, but anxious as any citizen would be for the general welfare of his own place.

Ques. You took a more active part than most citizens?

Ans. Not particularly.

Ques. You were an alderman, were you not? Ans. Yes.

Ques. And did you not take an active part in getting those improvements as such? Ans. I did what I do in all matters.

Ques. I did not ask you in all matters?

Ans. I took a part in it, not so active as I might.

Ques. Did you not discuss it on the streets and other places?

Ans. Yes, but I do that with all matters of public interest, generally.

Ques. But this was one of the most important questions that came up within the last three or four months in the City of Saint John, was it not? Ans. For the last few years, you may say.

Ques. You were anxious that the contract should be given?

Ans. I was anxious when a proposition was made satisfactory to the Council it should be accepted by the City.

Ques. And when Leary brought his proposition you were anxious that that one should be accepted? Ans. I was.

Ques. And you took a very active part in getting it accepted?

Ans. I did.

Ques. You knew when he made this proposition that it could not be carried out unless the Government entered into a contract with him too? Ans. That was the prospects.

Ques. You knew that as a fact?

Ans. That he would not be able to carry out the contract if he did not.

Ques. That the amount given by the City alone was not sufficient, and he would not enter into one unless the Government aided him?

Ans. He stated that he would not enter into it unless he got the three subsidies — one from the City, and one from the Provincial Government and another from the Dominion Government, and that he did not know he would be justified in going on with the contract; I do not mean to say he would not enter into a contr. but I meant to say that he would not proceed with the work until he had that guarantee.

Ques. And in order that he should get aid, you used all the influence you had with the Government, did you not?

Ans. I was one of a delegation of four appointed by the Council to wait upon the Government, and in that capacity I used what influence I had from that capacity, and was using it as strongly as I usually do to get them to give the person or persons the Council would name the contract, and not particularly with regard to Leary.

Ques. But did you not urge upon the Government to give it to Leary? Ans. If the plans were satisfactory.

Ques. The plans were satisfactory to the Council?

Ans. They have not been yet, to my knowledge.

Ques. If the plans were satisfactory, you were anxious that the Provincial Government should enter into a contract with Leary for that work? Ans. Yes.

Ques. And you also used your influence as a supporter of the Government, and not only as a delegate? Ans. Yes.

Ques. You were a very strong supporter of theirs?

Ans. Yes, for the last while I was — not always, though.

Ques. You were not a supporter formerly; this is the first election that you have become a supporter of theirs, is that it?

Ans. Yes, on account of the trouble that arose.

Ques. I am not asking you about that; is it a fact or not that this is the first election that you have been a supporter of theirs?

Ans. Of the Blair administration, it is.

Ques. That being so, you were anxious, were you not, about it; but first, did you not understand from Leary that the \$2500 that was authorized by law was not a sufficient subsidy for the Government to give to authorize his building the works; you understood that from Leary? Ans. He stated so to the Council.

Ques. And stated so to you?

Ans. Never. I never had a consultation with him privately, good, bad or indifferent. I am speaking now privately. I never had any conversation with Leary that was not in the public interests, and with public men present at the same time, and when I say that I mean persons of the City Council of St. John — understand me, Mr. Hanington, I do not want to be considered insulting at all, but I want to answer your questions just as they are, as this will go all over the country, and as I have nothing to fear from the investigation as to my honor, integrity and reputation.

Ques. Then I take it you did urge it upon the Government; which members of the Government did you speak to upon that subject?

Ans. I spoke to them all — to every one of them when I was here as a delegate.

Ques. When was that?

Ans. I think it was some time in December.

Ques. When the Government met the delegation, they did not give you any answer that they would agree to the proposition?

Ans. The only answer I got was that the Attorney General stated in the Council there in the presence of all that I wanted to take him

by the throat and make him give the contract to whom the Council would award their \$10,000.

Ques. You say that took place in the Council?

Ans. Yes, I do not say those were his words, that was the effect that we wanted them to take the people who would get the assent of the Council, and the Attorney General thought I was pressing him to get an answer from him that evening that he would give the contract to Leary or anybody else that the Council decided to give the contract to from the City.

Ques. The result of what I was asking you was that they would not tell you then that they would give you the contract?

Ans. That is it.

Ques. And they never did tell you while before the Council that they would give you the contract? Ans. That is so.

Ques. When did he first tell you he would give the contract?

Ans. I never had any statement from him — never to this day.

Ques. When did the Solicitor General first tell you that they would give the contract to Leary?

Ans. The Solicitor General on that evening spoke to me and said that they would consider it, and not to press the Attorney General — perhaps I am a little impulsive upon these matters and act quickly — the consequence was, however, that the Solicitor General spoke to me saying that they would consider the matter and we could rest assured; and also the then Provincial Secretary said that they would endeavor to get the subsidy for the person whoever it was, that the City Council agreed to, if the plans were correct.

Ques. And Leary was the man if the plans were right?

Ans. Yes.

Ques. Had they then agreed to give the contract to Leary if the plans were right?

Ans. Yes, on the resolution they had passed, if the plans and specifications were satisfactory.

Ques. But the Government never agreed to it while you were before them as a delegate to give Leary the contract?

Ans. Not on the occasion of the delegation.

Ques. When were you first informed that they would give the contract to Leary?

Ans. The Solicitor General informed me, perhaps shortly after.

Ques. Give the date? Ans. My memory is very bad on the date.

Ques. You cannot give me any idea?

Ans. Not the slightest; you see in politics these days slide along pretty quickly.

Ques. Then you are unable to give the slightest idea as to the date he told you that Leary would have the contract?

Ans. No, I could not.

Adjourned till 2.30 p. m.

Met pursuant to adjournment at 2.30 p. m. Committee all present.

Examination of Mr. John Kelly resumed by Mr. Hanington.

Ques. Then was Leary himself in St. John at the time of the election? Ans. I think not.

Ques. Nor had not been for some time?

Ans. I do not think so.

Ques. How long before that had he been there?

Ans. I do not think he had been in St. John from December.

Ques. Till after the elections? Ans. Yes.

Ques. Has he been back there since? Ans. Yes, once.

Ques. How long after the elections did he come?

Ans. I think it was some time in February.

Ques. Who was representing him then in St. John in connection with this contract—in the negotiations for this contract?

Ans. I know nothing more about it than the statement made.

Ques. Who negotiated with the city?

Ans. He first did that himself.

Ques. Who negotiated with the Government?

Ans. I do not know who was negotiating with the Government any more than the committee.

Ques. Which committee? Ans. The delegation.

Ques. You were one of them? Ans. Yes.

Ques. You do not know any one who negotiated with the Government to get this contract except your committee and yourself?

Ans. Yes, the delegation that waited upon the Government, and I was one of them, myself.

Ans. Who were the delegation?

Ans. His Worship the Mayor, Ald. Baskin, Connor and Lewis and myself; I am not positive about Ald. Lewis, but think it was he.

Ques. Did you wait upon the Government more than once?

Ans. Once only.

Ques. What date was that? Ans. Some time in December.

Ques. Did not you yourself see some of the Government afterwards and urge this upon them? Ans. I spoke to the members.

Ques. Did you not urge it upon the Government or members of the Government?

Ans. I urged that they should give the contract to the person whom the Council approved of.

Ques. And that was Leary?

Ans. That, they should give the contract to who the City Council gave it to.

Ques. That was Leary then was it not? Ans. Yes.

Ques. But when you urged them the City Council had given it to Leary? Ans. They have not given it yet to Leary.

Ques. Not so far as the plans are concerned?

Ans. On the basis that the plans were satisfactory. I don't want to convey the idea that the City Council has adopted their plans.

Ques. When did the City Council so agree to give that contract?

Ans. I think it was about December.

Ques. Do you mean December or January or November?

Ans. I say it was in about December?

Ques. Have you any doubt it was in December? Ans. Have I?

Ques. Yes? Ans. I think it was in December.

Ques. That being so after the City Council had agreed to that and you had waited upon the Government here, which you state was in December, did you not yourself urge members of the Government to give that contract to Leary?

Ans. Personally to the Solicitor General.

Ques. Personally you did? Ans. Yes.

Ques. Did you not urge it very strongly upon them to do so?

Ans. No stronger than I usually do for anything I ask.

Ques. Did you urge it strongly upon them?

Ans. If you define the word strongly.

Ques. Do you not know what strongly means; did you not tell them you were very anxious to have it done?

Ans. I was very anxious.

Ques. Do you say that?

Ans. I do not know that I used that word.

Ques. What do you say?

Ans. I felt as a member of the City Council that the Government should consider the claims made by the City.

Ques. You told of that up here? Ans. Yes.

Ques. Is that all the expression you used?

Ans. I do not exactly remember the words used.

Ques. Did you not tell them you would not assist them in the election unless they did? Ans. I do not know as I did.

Ques. Will you swear you did not?

Ans. To the best of my knowledge and belief I think I never said such a thing.

Ques. Will you swear you never said it to them?

Ans. I do not think I did.

Ques. Well, you did not? Ans. I am on my oath.

Ques. Will you swear you did not?

Ans. I have answered that question.

Ques. Will you swear you did not tell them that you would not assist them in their election unless they did give the contract to Leary? (Objected to). Ans. No.

Mr. Pugsley states his objection is that counsel should not cross-examine his own witness.

Ques. Which members of the Government did you speak to in that way outside of the time you were here on the delegation?

Ans. The Solicitor General is the principal one I had any conversation with, and also with the ex-Provincial Secretary, but very seldom with him.

Ques. Will you swear you never spoke to the Attorney General on the subject from the time up here in Fredericton until after the election?

Ans. Until after the election I swear positively that I never spoke to the Attorney General good, bad, or indifferent, and never saw him but once.

Ques. Where did you see him? Ans. I saw him in St. John.

Ques. Where?

Ans. In the hotel the night he came to deliver his speech.

Ques. The night of the seventeenth January?

Ans. I think it was.

Ques. Is not that the very day the contract was delivered?

Ans. I did not know anything about the contract.

Ques. You swear that? Ans. That is what I am doing now.

Ques. You swore a while ago that Mr. Pugsley told you that the contract would be given to Leary. Tell me, will you swear that was not the very day he told you?

Ans. I will swear it positively he did not.

Ques. What did he tell you?

Ans. Always from the time I met him up stairs that it was the intention of the Government to give the contract, and as a member of the Government, he would use his influence and insist upon giving the contract to the person to whom the City gave it.

Ques. He told you it was the intention of the Government to give it, and he always told you he had used his influence to do it?

Ans. Yes.

Ques. If it was the intention of the Government to give it how could he say he would use his influence to get it? (Objected to. Counsel could not cross-examine his own witness).

Mr. Hanington urged its reception on the ground that it was for the purpose of testing his memory and the correctness of the statement.

Messrs. Mitchell and Hetherington thought it should be ruled out.

Mr. Phinney said it was admissible as witness should be given an opportunity if he has made inconsistent statement to explain it.

Question ruled out.

Ques. Will you swear that the first time he told you the contract was made was not the 17th January, the date it was actually made?

Ans. Mr. Pugsley never told me about the contract when it was signed or anything about it, any more than to tell me the Government would give the contract to Leary on the same basis as the City Council was given the contract.

Ques. Then he never told you it was signed at all?

Ans. I never knew it was signed; I never bothered my head about it.

Ques. Will you swear you did not know on the evening of the 17th January? Ans. Certainly I did not.

Ques. When did you see it first? Ans. In the newspapers.

Ques. When was that? Ans. It was long after the 17th January.

Ques. How long after? Ans. Some time; when it was reported.

Ques. Three, four or five days? Ans. I could not say.

Ques. How many days after was it?

Ans. It might be five or twenty-five.

Ques. Were you not at that meeting when the telegram was read?

Ans. No; I saw it in the newspapers the next morning.

Ques. When was the meeting? Ans. I was not at the meeting.

Ques. Was not the meeting on the 17th? (Objected to. Counsel.

could not cross-examine his own witness and asked that it be ruled out).

Mr. Mitchell — It must be first proved he is an hostile witness before you can cross-examine him.

Mr. Phinney thought examination should not be restricted.

Mr. Hetherington acquiesced in Mr. Mitchell's view.

The Chairman to Mr. Hanington — The opinion of the Committee is that you have no right to cross-examine this witness unless he is proved hostile.

Ques. What day did he tell you that Leary should have the contract? Ans. Who?

Ques. Mr. Pugsley?

Ans. Well, I would not say as to the day we had considerable talk; he and I were daily talking on the matter.

Ques. You cannot give me any idea of the day?

Ans. Whenever the matter came up and we talked in relation to the City, he always showed a good will in favor of it, and to granting the contract to Leary on certain conditions.

Ques. I did not ask you as to his favoring it or your good disposition toward it. I asked you when it was he told you that the Government had given the contract to Leary?

Ans. I think it was after the elections that Mr. Pugsley told me the contract was signed. I had heard it on the streets a few days before that it was signed, because some of the persons who —

Ques. A few days before when? Ans. Before the election.

Ques. Are you telling the truth now, sir?

(Objected to. Ruled out by majority of Committee — Mitchell, and Hetherington and Chairman).

Ques. Is what you are saying now the truth? (Ruled out).

Ques. Did you not tell me a little while ago that you did not hear he had the contract till after the election?

Ans. That is what I said.

(The Stenographer reads the evidence contained on page thirty-six of this day's proceedings).

Ques. Now, you say you heard it on the streets a few days before?

Ans. I said I heard it on the streets, but I did not hear it from the Solicitor General.

Ques. When was it you heard on the street that the contract was signed? Ans. I could not tell you.

Ques. Well, as near as you can?

Ans. Might have been a day or two before the election. It was reported currently on the streets a week before the election that it was signed. Some of them told me so.

Ques. Did you hear it on the street a week before election that it was signed? Ans. About a week before.

Ques. Then, how did you tell me that you first heard of it after election? Ans. I say that Mr. Pugsley did not tell me till then.

Ques. Then you did hear of the Leary contract being signed, a day or two before the election, was not the first time you heard that it was actually signed the 17th day? Ans. I don't think so.

Ques. Will you swear it was not?

Ans. I will not. I would not swear positively that it was on the 17th I heard it.

Ques. You were very anxious Leary should get that contract?

Ans. Yes, and am yet.

Ques. You have taken a very active part to get it for Leary?

Ans. Yes.

Ques. Has Leary authorized you in any way to communicate with the Government, or any member of the Government in respect of it?

Ans. No.

Ques. The contract would run out in sixty days, would it not?

Ans. Yes.

Ques. Did you not apply to the Attorney General about it yourself — to have it extended? Ans. I asked him on the street.

Ques. What did you ask him about?

Ans. I told him as the time called for sixty days with reference to this would not they keep on and extend it longer, and he said it would be a matter for the Government.

Ques. What else did he say?

Ans. That is about all I remember he said.

Ques. Did not he tell you to get Leary to write him a letter, or words to that effect?

Ans. Perhaps he may have said that he had better send a communication, as was usual.

Ques. Did not he tell you to get Leary to write him a letter, or that Leary had better write him a letter?

Ans. I don't think anything was said about a letter.

Ques. Well, communication?

Ans. Yes, perhaps it was.

Ques. Did not he tell you to get Leary to write him a communication on it asking him for it?

Ans. I think something of that kind was spoken of.

Ques. Don't you know there was?

Ans. I know I had spoken to him about getting the time extended.

Ques. But you did ask him about getting the time extended to Leary, and he told you that Leary had better write him a communication asking for an extension of time? Ans. Yes, about that.

Ques. Did you communicate that to Leary?

Ans. Yes, I sent him a letter.

Ques. In consequence of that did he communicate with the Attorney General? Ans. I could not say.

Ques. Did Leary write you that he had, or did you hear that he had?

(Objected to. What Leary wrote two months after election about extension of time would not be evidence; nor could contents of letter from Leary to Kelly be given).

Ques. Did Leary write you that he had communicated with the Attorney General asking for an extension of time? (Objected to).

Ques. (Mr. Wilson). Do I understand that this conversation you had with Mr. Blair was in March?

Ans. Some time in March. It was in March, I am positive of that.

Hon. Mr. Mitchell — I think question irrelevant.

Mr. Phinney — The charge is that J. D. Leary and his agents were acting in this matter. Now, there is some evidence already to show that Mr. Kelly is the intermediary between Mr. Leary and the Government. Some evidence has been given as to that anterior to the execution of the contract. Now, if it can be shown that subsequently to the execution Kelly was acting for Leary and received instructions and communications from him, it would be some additional evidence to show that they were connected in this matter. In that view I think it admissible.

Mr. Wilson — This charge refers to the making of an arrangement. Would you think what took place two months afterwards between Leary and Kelly would go to that point.

Mr. Phinney — If there was any evidence of agency already it would go to confirm the agency and make it stronger, showing that Kelly was not acting merely in an isolated instance but long afterwards and continuously.

Hon. Mr. Mitchell — I think it is not admissible.

Mr. Hetherington — My opinion is that we have very little to do as to communications between these gentlemen since the contract was made. What we have to do is to show what took place when the contract was made.

Dr. Atkinson — I think under the circumstances we ought to know the nature of that circumstance, if there was any. If it does not implicate Mr. Blair, all right; if it does, we ought to know it.

Mr. Wilson — I think it is objectionable on two or three grounds. (Ruled out on division of Committee).

Ques. (Mr. Hanington). Was the time extended, or do you know?

Ans. I could not tell you.

Ques. Did the Attorney General tell you it was or was not?

Ans. He did not tell me; I don't think I ever spoke to him afterwards about it.

Ques. Are you sure of it? Ans. I am pretty positive.

Ques. Did the Attorney General tell you that he had got word from Leary? Ans. I don't think he did.

Ques. Then you had not any communication since on that subject with the Attorney General? Ans. No.

Ques. Simply what you did was to apply to him for an extension of the time for Mr. Leary of the sixty days, and then you communicated with Mr. Leary?

Ans. One or two Aldermen and myself were talking over the matter in the City Council, and they thought it would be well to see — I think it was Alderman Baskin — to speak to the Attorney General about extending the time so that the contract should not become void.

Ques. You swear it was Alderman Baskin? Ans. I think it was.

Ques. And who were the others?

Ans. Alderman Stackhouse, I think.

Ques. Had Connor anything to do with it?

Ans. I don't think he was present at that conversation.

Ques. Then, as an Alderman, you have not asked whether it was extended or not? Ans. I have not asked anything about it since.

Ques. You swear that you were doing that as an Alderman, and yet you have not asked anything about it since? Ans. Certainly.

Ques. You have not asked the Attorney General since whether the time was extended or not? Ans. I don't think I have.

Ques. When you made that application will you swear you were authorized by the City of Saint John to make it?

Ans. No, I did it personally, myself, from the interest I had in the matter.

Ques. And the interest you took in the work?

Ans. No, because the work was not prosecuted with.

Ques. Will you swear you were not to have an interest in the work itself? **Ans.** Yes, positively.

Ques. You never heard of such a thing at all? **Ans.** No.

Ques. Did you apply to anybody else in the Government to have the time extended? **Ans.** I don't know that I did.

Ques. Did you get a letter from Leary asking anything about the extension of time?

Ans. Not any letter from Leary except the letter that I received at the time I wrote him after my conversation with the Attorney General telling him to write and ask from him the power of extending it, and he said he had written.

Ques. O, he said he had written to the Attorney General applying for extension of the time? **Ans.** So he said.

Ques. Then you did not apply to any officer of the Government except the Attorney General in that way, as you say, to extend the time of Leary's contract? **Ans.** Yes, to the best of my knowledge.

Ques. Then, if I understand you rightly, is that all the communications you had with reference to that subject with the Government since? **Ans.** That is all.

Ques. Is the story that I see in the Telegraph to-day, that you applied to the Government and Mr. Attorney General has agreed to pay half of the engineer's charge, correct?

Ans. That was a week ago.

Ques. Is that correct. Has the Attorney General promised you to pay half the charges of the engineer examining those plans?

Ans. He has told that not only to me but to Alderman Shaw and a couple of other Aldermen as well.

Ques. When was this?

Ans. I suppose two or three weeks ago at the opening of the session.

Ques. Are these the new plans you now speak of, or the old plans?

Ans. The new plans--the amended plans and specifications.

Ques. (Mr. Wilson). Do I understand you to say that the Attorney General has agreed on behalf of the Government to pay one-half of the expenses of these new plans?

Ans. When this matter was under consideration the Attorney

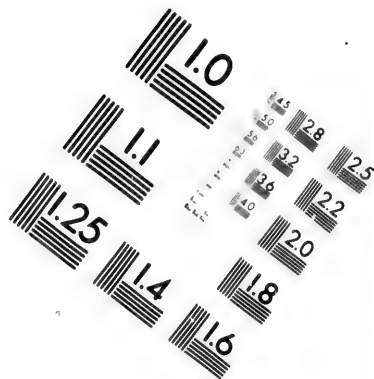
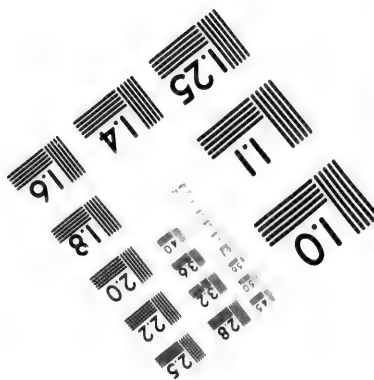
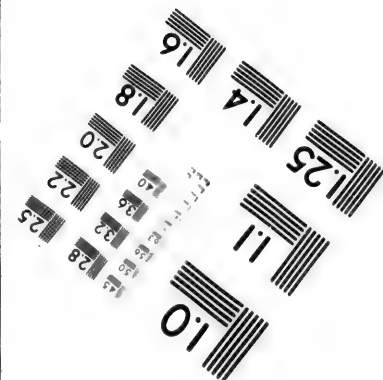
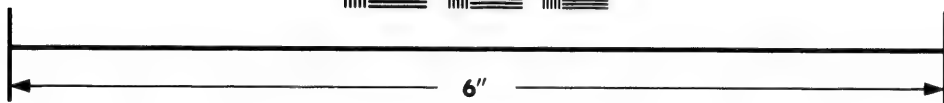
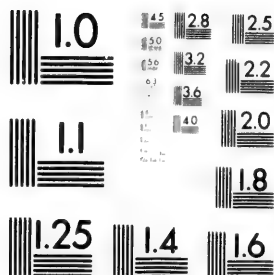


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General wrote to the Mayor saying that as they both were somewhat committed with reference to the matter, he would like a joint engineer to be appointed in connection with this, and they would bear their proportional part of the expenses.

Ques. What was the engineer expected to do?

Ans. Examine the plans and specifications, and see if they came up to the communication that Mr. Leary sent to the Council, saying that he would spend a million dollars on these works.

Ques. (Mr. Hanington). This was some weeks ago?

Ans. Yes, and last week also; he said so far as the changing of the engineer was concerned, whatever the Committee deemed advisable, it was satisfactory.

Ques. Then he told you, with others, that he would pay half?

Ans. Yes, the Government.

Ques. Were there others with you when he told you this a week or two ago? Ans. No, I think not.

Ques. You were alone? Ans. Yes.

Ques. Then he also told you that a few days ago? Ans. Yes.

Ques. When? Ans. The second of April; I think I was here.

Ques. It is about a week ago?

Ans. Yes. I want to explain that in the appointment of the engineer it was on the amended plans and specifications as per resolution of the Council that they would refer this matter to a Committee to accept the amended plans and specifications of Mr. Leary, and I was one of that Committee.

Ques. You were one of that Committee? Ans. Yes, and am yet.

Ques. That was since the recent election of Aldermen?

Ans. No, the new Aldermen don't come on till next Tuesday.

Ques. Was it before or since the election?

Ans. Before — I am speaking now of the engineer being appointed.

Ques. Was it since the election, or before, that the Attorney General told you?

Ans. O, it was since; it was Tuesday or Wednesday of last week.

Ques. Did I understand you to say that you never saw Mr. Leary in your place of business unless accompanied with public men?

Ans. I think he was there twice at my place.

Ques. When?

Ans. The first time was in December, and the other and second time was after the elections were over when he came to Saint John.

Ques. How long after the elections were over?

Ans. Perhaps a couple or three weeks, and when he was there I think Mr. Pugsley's brother was with him and Mr. R. O. Stockton.

Ques. (Mr. Pugsley). Is he a brother of Mr. A. A. Stockton?

Ans. I presume so. The object they had in coming to my place was that these gentlemen were interested in what is called the Long Wharf, and they were anxious that Leary should have a look over it to see what a valuable property it was, and when they were down there they came up to my place because they had to pass in close proximity to my house. That was the second time Leary was there.

Ques. (Mr. Hanington). Who was there with him when he came over in December?

Ans. He was introduced to me by Mr. Lockhart.

Ques. Did you talk about docks?

Ans. Mr. Lockhart was taking him around then to a number of Aldermen.

Ques. (Mr. Pugsley). What other Aldermen were there?

Ans. I think Alderman Nase was present and I think Alderman Chesley. I know Alderman Nase was called off his wagon on the side of the street and the consequence was that the Mayor introduced Leary to him as a man who had a proposition, and he was calling the Committee of the whole together to consider the proposition of Leary.

Ques. (Mr. Hanington). That is the way he came to be at your place?

Ans. Yes, and that afternoon I went down to the Council Board.

Ques. Well, now, you say that the Government had before the elections — Mr. Pugsley had told you that they were going to give the contract to Leary?

Ans. I think so. He was anxious to give it to him if he was the accepted one of the Council.

Ques. Well, Leary was the accepted one? Ans. Yes.

Ques. Then, sir, did you not understand that they wanted the Government to give an additional subsidy beyond the \$2500, and that Leary, before he would go on with the works, must have the additional subsidy?

Ans. He said he could not go on with the work without it.

Ques. Did the Government tell you that if they gave the contract they would undertake to give an additional subsidy. Did Pugsley tell you that?

Ans. The Committee, when waiting upon the Government, pressed upon them strongly to give an additional subsidy.

Ques. Well, I am not asking that now. I think you said before that they were trying to impress the importance of an additional subsidy upon the Government. The Committee did press upon the Government the necessity of giving more subsidy or else Leary would not do the work? Ans. Yes.

Ques. Did you not press that upon Mr. Pugsley, too, in your conversations with him?

Ans. Well, no, not particularly, because I always had confidence that he would insist in getting all in the interest of the port possible.

Ques. Did not you tell him that it was necessary to have additional aid to have the contract carried out?

Ans. I don't think I did; he knew as much about it as I did.

Ques. Will you swear you never mentioned it?

Ans. I don't think I ever pressed Mr. Pugsley with reference to it. I think we had conversations relating to the matter, but never pressing him to say that they must give it.

Ques. But did you not tell him that unless it was given — unless more aid was given by the Government the work could not go on?

Ans. Yes, I have stated that to him; but not pressing it particularly.

Ques. You were very anxious that that should be done?

Ans. Certainly.

Ques. And you were anxious if they gave the contract to Leary that the Government should succeed? Ans. Not particularly on that ground.

Ques. If they gave the contract to Leary were you not anxious that the Government should succeed?

Ans. I was anxious that the Government should succeed no matter what came up.

Ques. Will you swear that? Ans. I will.

Ques. Did not you say in the presence of Mr. Stockton that if they did not give the contract for the docks you would not support them?

Ans. No.

Ques. Nor to any other person? Ans. No.

Ques. In Mr. Connor's presence? Ans. No.

Ques. Or did not Connor say it in your presence — that if they did not give the contract for the docks he would not support the Government?

Ans. No, he did not express that opinion in my presence.

Ques. Can you tell me who represented Mr. Leary in the making and getting of this contract?

Ans. I have no knowledge personally, while I have heard it stated.

Ques. You have no personal knowledge as to who did? Ans. No.

Ques. You sent money up here to be given for the election funds?

Ans. Yes.

Ques. And you sent money up here, your partner says, that came out of your and his funds? Ans. Yes.

Ques. You sent that money with instructions that it should not be delivered until they heard from Saint John? (Objected to).

Ques. Did not you send that money by your partner with instructions not to deliver it to Mr. Barry until he heard from you in Saint John?

Mr. Pugsley — I object to that mode of putting the question. I think the proper mode would be to ask him what instructions, if any, he gave in sending the money.

Mr. Wilson — I think it is a wrong way of putting the question, but I don't think it makes much difference.

Mr. Pugsley — I insist upon your ruling.

Mr. Wilson — I think strictly the question is objectionable.

Hon. Mr. Mitchell — I think he should ask: What instructions did you give Murphy with regard to that money?

Mr. Hetherington — That looks to me like a fair way of putting the question.

Mr. Phinney — What possible objection can there be to that question if it gets at the fact?

Mr. Wilson — I don't see very much objection to the way the question is put; I will allow it.

Witness — Yes.

Ques. (Mr. Hanington). He came up here on the 16th; did you give him instructions on the 17th to deliver it? Ans. I did, I think.

Ques. You did? Ans. Yes.

Ques. Did you send it to him by telephone or telegraph?

Ans. I think by telephone.

Ques. What did you tell him?

Ans. I told him to deliver the money over to Mr. Barry, because that was the man I gave him instructions to give it to; I told him to take that parcel and deliver it in the hands of Mr. Barry, but not until such time as I told him to.

Ques. What instructions did you give him the day you told him to deliver it?

Ans. Not to deliver the parcel till I let him know. I told him when I got recouped for my money on the following day to pay over the money to Barry.

Ques. Did you telephone him that you had been recouped?

Ans. I told him to pay over the money. No, sir, I did not tell him I had been recouped. I simply told him it was all right; to pay the money to Barry.

Ques. The message was: It is all right, pay the money to Barry?

Ans. Yes, that is the usual way I have of expressing it. I did not tell him anything about the recouping at all. I simply told that to you.

Ques. Then, as I understand you, something happened or was done that satisfied you to pay over the money, or to have the money paid over? Ans. I was collecting funds.

Ques. You will answer my question?

Ans. I will answer it just as it took place.

Ques. Did something happen which satisfied you to pay over the money? Ans. Yes, I collected subscriptions.

Mr. Hanington — I object to the last part of the answer. It is not in answer to my question. I am willing it should be put in as an explanation from him.

Hon. Mr. Mitchell — I want the answer left there.

Mr. Hetherington — Certainly, we don't want the answer cut in two.

Mr. Phinney — I think Mr. Kelly has given two answers to the one question. I don't know that it is material, but it ought not to be accepted as an answer to Mr. Hanington's question.

(On the casting vote of Mr. Wilson it is decided that the answer shall remain).

Ques. (Mr. Hanington). Do you swear that between the afternoon of the 16th and the afternoon of the 17th you collected the \$1500 which you paid? Ans. Yes.

Ques. Who from? Ans. Is it necessary for me to tell you.

Ques. Yes, I want to know. From whom did you receive the money? (Objected to).

Hon. Mr. Mitchell — I don't think it would have any bearing upon the case unless he received it from J. D. Leary. It is an improper question. If he would ask: Did you receive any money from Mr. Leary or any authorized agent, it would be well enough.

Mr. Hetherington — I concur.

Mr. Phinney — We are authorized to inquire into all the facts and circumstances connected with the matter of the said charge, to find exactly who this money came from, and who made it up. If Leary is not connected with it afterwards, it fails.

Dr. Atkinson — The question "from whom did you receive the money?" — surely that is a point for the Committee to know.

Mr. Wilson — It may be the bringing in of the names of a lot of people. But I will rule in favor of the question.

Ques. (Mr. Hanington). From whom did you receive the money between the night of the 16th and the 17th?

Ans. I received \$1000 from Mr. Carvell; I received \$300 or \$500 from Mr. Connor, and some from Mr. Quinton — I think \$200 from Mr. Quinton, and there were other sums of \$20, and I put some in myself.

Ques. But this is of the \$1500?

Ans. Yes, but it was a general fund, because it was a kind of general money for various purposes.

Ques. What time did you telephone the message up?

Ans. About noon time.

Ques. Was it not the afternoon. Was it not one or two o'clock?

Ans. Well, that is about noon time.

Ques. Will you swear it was not from two to three o'clock?

Ans. I think not. I think it was shortly after one o'clock, to the best of my knowledge and belief.

Ques. Which Mr. Carvell was this?

Ans. Well, it was the candidate's brother. I did not receive it from him personally. I told the clerk, and he gave me so much at one time and so much another.

Ques. Have not these very notes that the money was raised on gone to protest here, and have you not come up here to Fredericton within the last fortnight to see about them?

Ans. Yes, there are certain notes gone to protest, but they had nothing to do in relation to this money now spoken of.

Ques. Will you swear that the notes given to raise this election money in Saint John out of which this \$1500 or part of it came — that they were not notes floated to be taken up if Leary went on with the contract, and did not they go to dishonor about the end of the sixty days from the date of the contract, and you came up here yourself to see about them, or in relation to them?

Ans. The notes had no connection whatever with the \$1500.

Ques. Had they connection with the election fund? (Objected to).

Ques. Was the \$1500 paid out of an election fund?

Ans. No, they wanted this money to send to York, and the committee did not have it on hand at the time, and I said I would advance the \$1500 if I could collect the subscriptions to-morrow. It was for the election in York, and the consequence was that I advanced the \$1500 and I was to get the subscriptions, which I did that afternoon and next day, and I had it at noon time next day, and I telephoned to Murphy to pay the money over.

Ques. Then these notes that went to dishonor had no reference to this special fund? (Objected to).

Ques. Were there not certain notes in connection with the election fund, upon which money was raised, that went to dishonor at the bank in Saint John some time in March that you knew about and was interested in, and did you not, while here, see parties in Fredericton respecting them?

Mr. Pugsley — It is proposed to ask the witness with regard to certain notes that were used for the election fund in Saint John. I think that is objectionable on two grounds: First, that this money formed no part of those notes, no part of the proceeds of those notes came to Fredericton, and it is entirely irrelevant and immaterial to this inquiry. It would also seem to be most unfair and improper that there should be an investigation into matters connected with the election fund in Saint John, with which Mr. Blair had nothing whatever to do, and which it is not pretended to show that he was in any way connected with. The total amount that came to York appears to be \$1500 sent by Mr. Kelly under the circumstances he has mentioned.

Mr. Hanington — I say that I not only propose to do this, but I propose to show and to interrogate this witness that those notes were used for election purposes in Saint John in connection with that, and that those notes were used to replace or raise this fund, this money itself, and to refund it to Mr. Kelly, and that Mr. Kelly's own name was upon them and he came here to Fredericton to see about Leary's dock contract and to see with reference to those notes being arranged.

Hon. Mr. Pugsley — The charge is that Mr. Leary contributed certain moneys. I do not object to Mr. Hanington asking Mr. Kelly if any part of the \$1500 came from Mr. Leary, but surely he has no right to travel all round the country and investigate what took place in the different elections.

Mr. Hanington — I wish to add to my question the words "Out of which fund part of this \$1500 was recouped."

Mr. Phinney — I am not clear that it is admissible unless Leary and his agents were connected with it in some way.

Mr. Wilson — Another thing that has not been spoken of by any member of the Committee which I think is important is, that when documents such as notes are required to be put in evidence you have got to have them here.

Hon. Mr. Pugsley — That would be another branch. As to the contents — I do not raise that point now.

Hon. Mr. Mitchell and Mr. Hetherington concur with Mr. Phinney and the question is ruled out.

Ques. (Mr. Hanington). Was there not an election fund raised in St. John which it was understood was to be recouped if Mr. Leary got the contract?

Hon. Mr. Pugsley objects on the ground that on the trial of this charge against Mr. Blair it cannot be at all material to inquire what understanding there may have been between any parties in St. John and Mr. Leary, unless Mr. Blair was a party to that understanding or can be connected.

Hon. Mr. Mitchell — I would like to ask one question before expressing an opinion: Had Mr. Blair anything to do with the raising of election funds in St. John to your knowledge?

Ans. I never heard Mr. Blair's name mentioned in connection with it; Mr. Blair had nothing to do with any moneys that I was connected with in St. John good, bad or indifferent.

Hon. Mr. Mitchell — Then I think the question is improper.

Mr. Wilson — I could not consent to allow questions of this kind to be asked.

Mr. Hetherington — I concur.

Mr. Phinney — This question differs considerably from the last. The dock matter is a public matter in which many people were interested, and it appears that there was an election fund down there and the question is: Was there not certain election funds raised in Saint John which it was understood were to be recouped if Leary got the contract. If that was the understanding, and Mr. Kelly was a party to that, and Mr. Leary was to get the contract if certain election funds were to be raised in Saint John, I think it is quite pertinent to the inquiry, when the inquiry goes so far as to include "all matters and circumstances connected with the matter of the said charge."

Mr. Atkinson — I think we ought to have the information. (Ruled out).

Ques. (Mr. Hanington). You swore a while ago, if I understood you, that Mr. Blair had nothing to do whatever with any money that you had anything to do with good, bad, or indifferent?

Hon. Mr. Mitchell — That was not what he swore exactly.

Ques. (Mr. Hanington). Did not you send up \$1500 to help him in the election, and it went to his own partner, and the latter knew it was coming? Ans. Yes, for his own county.

Ques. And did you not telegraph up that it was coming, and tell Mr. Murphy to bring it to Blair's partner? Ans. Yes, certainly.

Ques. And was that not to elect Mr. Blair? Ans. Certainly.

Ques. And Mr. Wilson, Mr. Bellamy and Mr. Anderson?

Ans. Yes.

Ques. And then you say he had nothing to do with it good, bad, or indifferent?

Ans. So far as Mr. Blair was concerned, he had nothing whatever to do with it. It was the intention also to send \$1000 to you, because it was understood you were going to support the Government.

Ques. Had you any communications with me or any one of my friends, or by which I knew anything about that anything was to be sent to Westmorland?

Ans. That is the unfortunate part. If we had you would have had it.

Ques. It was to come to Westmorland to support the Government?

Ans. To support you and the Killam-Hanington ticket.

Ques. Was that because I was supporting the Government. Did you not say a little while ago that I seemed to be in support of the Government? Ans. Seemed to be friendly to the Government.

Ques. Well, no money ever was sent? Ans. No.

Ques. You considered about sending it?

Ans. Yes, a number of St. John friends thought about it.

Ques. It was to strengthen the Government, was it not?

Ans. The thing we had particularly in view was the stand you took in connection with the Ritchie matter; that you were entitled to the consideration of our people, and I was willing to subscribe liberally to your election.

Ques. But you did not do it?

Ans. No.

Ques. You wanted to make Government supporters?

Ans. If I could.

Ques. So that if they gave Leary the contract for \$7500 or \$10,000 more they could carry it in the House, was it not. You wanted them

strong enough in the House that if they gave Mr. Leary an increased grant, they could carry it?

Ans. Leary's matter did not enter into my mind. It was simply the cry that was raised in connection with the appointment in Saint John.

Ques. Perhaps you will be able to tell me: Did the Solicitor General arrange with you for the sending of this money up to Fredericton?

Ans. The Solicitor General and myself and others talked it over.

Ques. Did the Solicitor General arrange with you to send this money up to Fredericton?

Ans. They had not the money to send at the time, and when they spoke I said I could send my own money.

Ques. Then you did arrange with him to send it up?

Ans. Not particularly.

Ques. And with the understanding that it was to be recouped?

Ans. Certainly; next day. If I did not get the collections he would not give the money.

Ques. It was to be recouped to you?

Ans. Well, you did not suppose I would give \$1500, did you?

Ques. Do you remember what your partner swore last night?

Ans. Yes.

Ques. You never told him anything about it?

Ans. Certainly not.

Ques. You wanted to keep it a secret from him?

Ans. Yes, he is a man that don't bother in politics.

Ques. You knew from somebody that Barry had charge of the funds here for election purposes? Ans. I understood so.

Ques. Did not the Solicitor General tell you so?

Ans. Not particularly he; I knew it from others.

Ques. Will you swear he did not speak to you of it?

Ans. Well, I don't know, but others did also.

Ques. Did not you understand that Mr. Barry had charge of the Attorney General's funds for the Government ticket? Ans. No.

Ques. Whose funds did you understand he had charge of?

Ans. All I thought was that as a friend of the Attorney General he would put it where it would do the most good.

Ques. Did you not know he was his partner?

Ans. How could I know?

Ques. Will you swear you did not know?

Ans. I don't know yet whether they are or not.

Ques. You don't? Ans. No, I don't.

Ques. Had you previous to that heard that they were partners?

Ans. Yes.

Ques. They were partners then as far as you knew?

Ans. I did not know they were as far as my knowledge went.

Ques. Do I understand you to say to this Committee that on the 16th or 17th of January last you did not know that Mr. Blair and Mr. Barry were partners? **Ans.** I would not swear that I did.

Ques. You had heard it often?

Ans. Well, I have heard that they were partners, but I had no knowledge that Mr. Barry was a partner of Mr. Blair's any more than that I have that you are a partner of Hanington, Hewson & Teed.

Ques. Well, you know that as a fact, don't you?

Ans. I know there is such a concern.

Ques. Well, did you know there was such a concern as Blair & Barry? **Ans.** Yes.

Ques. And when you use the word concern you mean partnership?

Ans. No, it will apply generally.

Ques. Will you swear that that \$1500 was not raised by notes discounted in the bank? **Ans.** I swear positively not one cent of it.

Ques. I mean that you got back?

Ans. Yes, not one cent of the \$1500 that I sent up here nor the money that I got back in connection with it was raised on notes.

Ques. It was raised by these parties you spoke of, was it?

Ans. As parts of their subscriptions towards the election.

Ques. Did they subscribe more than this towards the election fund in St. John? (Objected to).

Ques. Did Carvell and these gentlemen subscribe more than what you have named towards the election fund? (Objected to — immaterial).

Mr. Phinney — I don't think the question is strictly within the scope of the inquiry. (Hon. Mr. Mitchell and Mr. Hetherington concur. Ruled out)

Ques. (Mr. Hanington). Did I understand you that the Solicitor General did not tell you to whom the money was to be sent?

Ans. Well, he was one of the persons in conversation at the time in which we decided to help out the elections in Westmorland and also in York, and that this money should be sent, and sent immediately, if it was to do any good.

Ques. And you sent it to York and did not send it to Westmorland?

Ans. Yes.

Ques. I understood you to say that as far as I am concerned I had

nothing to do with asking or soliciting about any money to be sent to Westmorland?

Ans. No, it was only because of the best intentions of the people in our City towards you.

Ques. Where is Mr. Leary now? Ans. I could not say.

Ques. How long did he stay in Saint John when he came on after the election? Ans. I would not think over a day or two.

Ques. Whether the Government extended his time or not, you do not know? Ans. No.

Ques. What is the business of Mr. Carvell who contributed the funds? Ans. Iron merchant.

Ques. He was very anxious for the docks to go on?

Ans. No, he was a candidate.

Ques. I thought you said he was a brother?

Ans. Well, W. B. Carvell being a candidate, his brother put up subscriptions for him so that in case of protest they could not come back on him. He was willing to put up \$1500 and did have no hesitation in doing it.

Ques. Was that the candidate? Ans. Yes, the candidate.

Ques. But his brother put it up for him? Ans. Yes.

Ques. Were they both in the iron business? Ans. Yes.

Ques. Don't you know that it was arranged that if Leary got these docks that he should get supplies of iron from Carvell? Ans. No I don't nor they had no intention of that when they put up their money.

Ques. (Mr. Pugsley). If I understood you correctly you say that the matter of the dry dock in Saint John did not enter into the consideration as far as sending money to York or Westmorland was concerned?

Ans. No.

Ques. I rather understood that it was intended to be inferred that you had been influenced to support the Government because of matters in connection with this dry dock. Why was it you decided to support the Government? Ans. In the act taken in the appointment of the Police Magistrate last year there was considerable feeling. I had been working for the Conservative party for a number of years and when this matter came up and the ticket was about to be nominated I said if they nominated a strictly Conservative ticket I was with them, but if Stockton and Alward were on the ticket I would oppose them, and when they were determined to nominate them I opposed them and then I volunteered to support the Government in consequence of what they had done in regard to Mr. Ritchie.

Ques. You are a Roman Catholic I think, as is Mr. Ritchie ?

Ans. Yes.

Ques. (Hon. Mr. Mitchell). Then it was not on account of the dry dock ?

Ans. No, I had no interest, except a public interest in the dry dock, at all.

Ques. (Mr. Pugsley). Was it not reported in the public press that Mr. Hanington had declared himself as approving of the course of the Government in appointing Mr. Ritchie ?

Ans. Yes, that is why our friendship was for him.

Ques. Was it or was it not because it was understood that Mr. Hanington had taken that stand that it was thought desirable to send money to Westmorland ? Ans. Yes, that was the very reason.

Ques. You stated that some time in December you were one of a delegation appointed to wait on the Executive Council with reference to assistance for the dock and harbor improvements in Saint John ?

Ans. Yes.

Ques. I think a memorial was presented by the City Council at the time, was there not ? Ans. Yes.

Ques. In waiting upon the Government you acted as one of the Aldermen on that delegation ? Ans. Yes.

Ques. I think you said Mayor Lockhart was one of the delegates ?

Ans. Yes.

Ques. And what other Aldermen were there ?

Ans. Aldermen Connor and Baskin, and I was under the impression it was Alderman Lewis but I could not say positively.

Ques. Was Alderman Stackhouse along ? Ans. No.

Ques. Mr. Leary was with the delegation at the time ?

Ans. Yes, he was one of the delegation.

Ques. You stated to Mr. Hanington that the Attorney General at the interview rather objected to the way you were pressing him for immediate answer. I will ask you whether it was not stated in that connection that there were two applications before the Council and that it would be reasonable that the respective merits of the applications should be considered, and that the Government should have a reasonable time to decide ?

Ans. That was where the trouble came in. I claimed that the Government should give the contract to the persons whom the City Council recommended and urged upon the Attorney General at that time to give it to that person.

Ques. That was the almost unanimous feeling of the City Council at that time? Ans. Yes.

Ques. That the contract should be given to the person they selected?

Ans. Well, the vote stood 19 to 6.

Ques. You say that shortly afterwards I informed you that the Government had awarded the grant to Leary? Ans. Yes.

Ques. I will ask you whether you saw in the newspapers this letter from the Provincial Secretary? (showing letter in St. John Globe of Janary 4th, 1890). Ans. Yes.

Hon Mr. Pugsley proposes that the Clerk shall read the letter for the information of the Committee.

Mr. Hanington objects. We are not here to try anything in connection with the ex-Provincial Secretary; the rulings have been to narrow it down and rule out all kinds of things I could have proved, but if we are going to show what the ex-Provincial Secretary did and said about it I don't think it is very relevant; still if he wants it and presses it all well and good; we will go into that inquiry too.

Hon. Mr. Pugsley — The apparent object of the direct examination of the witness was to show that at a certain time which he sought to fix as about the day this money was sent to York County the contract in respect of this dry dock was given to Mr Leary. Mr Kelly stated he could not fix the time but he said I had informed him and he understood very shortly after this delegation waited upon the Government that the Government had decided to give it to Mr. Leary. Now, my object in producing this is to show that in the public press on the 4th of January, which would be 13 days before this time, there appeared a letter from the Provincial Secretary stating that the Government had awarded the contract to Mr. Leary and that he as Provincial Secretary was authorized by the Order in Council and prepared at any time to execute the contract. That was in the letter addressed to Mayor Lockhart of St. John on the 3rd of January. Now, you can see how material that is to this inquiry. You see it is sought to be charged here that the Government signed this contract on the 17th of January and they seek to associate with that the fact that money was sent to York on that day and to show that that money was sent on that day by reason of the fact that on that day the contract was signed. Surely it is material for the Committee to be informed that fourteen days before that the Provincial Secretary had informed Mayor Lockhart that by virtue of the Order in Council the contract had been awarded to Leary and he was prepared at any time to go through the formal work of sign-

ing the contract. It is material to show that this was in the public press and Kelly saw it and was aware of what the determination of the Government was.

Mr. Hanington—I object to it as irrelevant; I don't object to the mode of proof.

Mr. Phinney—I think it is fairly within the scope of the inquiry. I would be disposed to admit it.

Hon. Mr. Pugsley—As Mr. Hanington objects to it I will withdraw it.

Mr. Phinney objects to the Chairman getting his opinion and then allowing the question to be withdrawn.

Mr. Hetherington—I think it should be admitted. (The Committee unanimously agree that the letter should be read).

The following letter was then read:

“SAINT JOHN, January 3rd, 1890.

“W. A. LOCKHART, Esq., Mayor of Saint John:

“SIR,—In answer to your inquiry regarding the Provincial subsidy for dry dock and harbor improvements, I beg to inform you that by Order in Council recently passed by the Government, I am authorized and prepared at any time to enter into a contract in the name and on behalf of the Province, securing the subsidy to Mr. Leary on the same terms and conditions as agreed on by the City Council in making their grant.

“Your, &c.,

“DAVID McLELLAN, Provincial Secretary.”

Ques. (Mr. Pugsley). Now, Mr. Kelly, I want to ask you whether you ever knew of there being any arrangement or understanding of any nature or kind directly or indirectly with Mr. Blair under which this subsidy was to be awarded to Mr. Leary in consideration of Mr. Leary contributing to the Provincial elections?

Ans. Not one. I never knew anything of the kind.

Ques. Have you at any time in anything you have done in connection with harbor and dock improvement matters in Saint John, been acting as the agent of Mr. Leary?

Ans. Never; just in the interests of the city as alderman and taking a prominent part in all affairs that transpires there.

Ques. Now, Mr. Hanington asked you a question which seemed to be somewhat ambiguous and I was not quite certain what you meant by your answer. He asked “will you swear you did not tell them (that is the members of the Government) you would not assist them in their election unless they gave the contract to Mr. Leary?” and the answer

is "No." Did you mean you would not swear or that it did not take place?

Ans. I meant that I never stated that I would oppose the Government. As far as Leary was concerned it would not make the slightest difference as to my supporting the Government. That is what I meant.

Ques. But did you tell the Government that you would not assist them unless they gave the contract to Leary?

Ans. No, I never told any member of the Government that that I am aware of.

Ques. (Hon. Mr. Mitchell). If I understand you your support of the Government was not contingent upon their assisting in the dry dock at all?

Ans. My support of them was simply because of their appointment of Mr. Ritchie, and on no other basis whatever.

Ques. (Mr. Pugsley). You have said in answer to Mr. Hanington that from a period shortly after the delegation met the Governor in Council, I always told you, whenever you spoke to me on the subject, that the contract would be given to Leary on the plans and specifications being approved of. That is if the City gave it to him also? Ans. Yes.

Ques. Now, I have called your attention to a letter from the Provincial Secretary dated the 3rd of January: you say you saw that in the press? Ans. Yes.

Ques. I will ask you whether after that time I ever intimated to you that there would be any doubt about the contract going to Mr. Leary if the city approved of his plans and specifications?

Ans. I don't think you ever did.

Ques. Did any other member of the Government ever intimate any doubt or hesitation on the subject? Ans. Not any that I spoke to.

Ques. I will ask you, Mr. Kelly, whether I ever intimated to you — either stated to you or intimated to you in any way — that Mr. Leary's getting the contract for this dock — this subsidy for the dry dock — was contingent upon his making any contribution to the election or anybody making any contribution to the elections?

Ans. No.

Ques. You referred to the fact of Mr. Leary being at your place in December and then again after the elections; on each of those occasions were there others with him? Ans. Always.

Ques. On the first occasion there were R. O. Stockton and my brother? Ans. I think it was R. O. Stockton.

Ques. You are aware that Mr. A. A. and R. O. Stockton and my brother and myself were interested in the Long Wharf property?

Ans. Yes.

Ques. And you understood that Leary had been looking at that property? Ans. Yes.

Ques. Are not your works within two or three doors from the entrance to the Long Wharf from Main street?

Ans. It is within a distance of about 140 feet, I think.

Ques. On the other occasion you say there were two Aldermen present? Ans. Yes.

Ques. Were those the only two occasions when Mr. Leary called on you? Ans. Yes, in my place of business.

Ques. I suppose you have seen lately in print what purports to be a copy of the contract with Mr. Leary, published in the press?

Ans. Yes.

Ques. Is that the first time you ever saw the contract?

Ans. It is the first time I ever saw the contract.

Ques. Have you taken the trouble to read that contract?

Ans. I did, as it was in the paper.

Ques. I will ask you if, when you were in Fredericton a short time ago, Mr. Stockton, a representative from the City of Saint John, did not call your attention to that contract and point out to you how stringent the provisions were as against Mr. Leary? (Objected to — Irrelevant. Not pressed).

Ques. (Mr. Hanington). Did you not tell anybody that it was a mistake to think that these funds came from Leary, that they came from the Grand Trunk Railroad Company? Ans. No.

Ques. Or nothing like that?

Ans. No, because the man who gave you that information was a fool.

Ques. Will you swear you did not within the last fortnight say that the funds that came were from the Grand Trunk Company or Hickson or some such man?

Ans. Certainly; I swear I never mentioned it or talked about it to anybody. I know nothing about the Grand Trunk at all.

Ques. You say that on the 3rd of January there was a letter in the press in which Mr. Secretary said he was authorized to execute the

contract. Don't you know that that was the contract for the \$2500 only?

Ans. That was all the Government had the power of giving at all.

Ques. It was with reference to that, was it not? Ans. Yes.

Ques. Now, sir, was not then this great discussion and pressure to get the Government to agree to give more and make the contract what it now is?

Ans. No, because another company were making application and wanted more than the \$2500 and we claimed that they should give Leary the same as they would give any other company or any person the same as the Council would agree to. They had previously stated their willingness to assist to the extent of \$7500 for ten years, or \$10,000 if possible.

Ques. This was claimed after the letter of the Secretary's came out?

Ans. No, from the time of the delegation in December. It was claimed right through.

Ques. Therefore, the letter on the 3rd of January that they would sign the contract for \$2500, was not satisfactory?

Ans. Certainly, because that was all they could legally give.

Ques. But could not they put into the agreement that the \$2500 would not bind Leary to construct unless he got more. The contract as given in the press provides that Leary should not be bound to carry on those works unless a further subsidy is given?

Hon. Mr. Pugsley. (Objected to). I did not go into the contents of the contract.

Ques. (Mr. Hanington). Is not this in the contract: "It is understood and agreed that this contract is preliminary to a further agreement with the said Leary, etc., etc., said contract being based on his expectation of further aid from the Province, and unless further aid is granted the contract may be terminated by the said Leary?" Now, you have told us that the contract mentioned in the letter of January 3rd was only for \$2500. Did not you contend and discuss yourself that Mr. Leary could not go on unless further aid was given and you wanted a larger subsidy?

Hon. Mr. Pugsley. (Objected to). He went fully into this on direct examination. It does not arise out of cross-examination. What difference can it make what discussions go on in the absence of Mr. Blair?

Mr. Hanington — It arises out of cross-examination in this way. He

produces a letter and puts it in, and that refers to a certain contract which the Secretary is prepared to sign. Now I have a right to ascertain whether that was a contract for \$2500 only or a contract such as he has signed? This contract that is signed grants \$2500 a year, and says that unless he gets further aid he can throw it up. Now, I have a right to ask him if this contract now entered into does not go beyond the \$2500.

Hon. Mr. Pugsley — The contract speaks for itself.

Mr. Phinney — The objection that it is new matter is very technical. If it is important it should be inquired into even if it is new matter. As to whether the contract speaks for itself or not, the question is what construction Kelly put upon the contract. He represented these parties before the Government and was there in their interest.

Witness — I deny that. I went there in the interests of the City.

Mr. Phinney — Then what did he mean by the expression which he said Mr. Blair in effect used that he was taking the Government by the throat?

Dr. Atkinson — I say admit it.

Mr. Wilson — I do not think it is fair to read from a contract and ask the witness to put a certain construction on it.

Mr. Hanington — I am not asking that.

Hon. Mr. Mitchell — I do not think it has any bearing on the question at all.

Mr. Wilson — I do not think it arises out of the cross-examination at all, and secondly, should not be inquired into as this agreement unless the original is here. (Ruled out. Hon. Mr. Mitchell, Mr. Hetherington and Mr. Wilson concurring; Atkinson and Phinney contra).

Witness — Mr. Phinney in his remarks said I was here in the interests of Mr. Leary. I did not say so. I say I simply acted in the interests of the City and as an Alderman.

Ques. (Hon. Mr. Mitchell). I want to ask you, Mr. Kelly, did you on your own behalf or as the agent of J. D. Leary, or on his (Leary's) behalf ever offer to Mr. Blair to contribute money to the elections if he would give the contract to Leary, or if he would assist in getting a further subsidy for Mr. Leary for more than the \$2500?

Ans. I did not.

Adjourned until 7.30 p. m.

COMMITTEE ROOM,

SATURDAY, APRIL 12th, 1890.

Committee met at 7.30 p. m., pursuant to adjournment.

Examination of John Kelly continued by Mr. Phinney.

Ques. I understood you to say that you took quite an interest in the securing of the contract for Mr. Leary, did not you?

Ans. Yes, or whoever gave the best offer to the city, and his offer being the best —

Ques. His offer was accepted? Ans. Yes.

Ques. And after the acceptance of his offer you took quite an interest in his securing the contract from the Government?

Ans. Well, as a delegate from the City I did.

Ques. You came up here and met the Government? Ans. Yes.

Ques. You rather inferred from that interview that the Attorney General was not disposed to accede to your terms, or that he thought you were trying to force him into the contract?

Ans. Well, my object was that as another company had made application for the same grant he should give the contract to the person or persons whom the City had given it to, and in enforcing that upon him he got a little angry.

Ques. Did he use the expression that you were taking him by the throat, or was that the inference you drew from his remarks?

Ans. It was not exactly those words.

Ques. Can you give us the words? Ans. I don't know that I can.

Ques. That would be the way in which you would put it?

Ans. Yes, he was quite angry that we should force him to come to a conclusion immediately.

Ques. So then the Solicitor General suggested to you that you had better leave the matter at rest awhile? Ans. No.

Ques. What did he say after that?

Ans. He did not say anything to us that evening, but we talked it over later.

Ques. Did not he suggest to you not to press the Attorney General just then? Ans. Not at that time.

Ques. Well, the Solicitor General said that evening not to press the Attorney General? Ans. The Secretary, I think, did so.

Ques. Well, which was it?

Ans. I am not positive which. Perhaps it was Mr. Pugsley.

Ques. Listening to the remark you made that the Solicitor General

said not to press the Attorney General, which do you think it was now?

Ans. Well, I know Mr. Pugsley had spoken to me in reference to it. I think it was the Solicitor General and also the ex-Provincial Secretary.

Ques. Do I understand you that you did not know that the contract was entered into prior to the elections?

Ans. No, I did not know the contract was signed prior to the election.

Ques. What do you mean by that?

Ans. That they had signed the contract. I knew they had verbally agreed, but there was no document signed by the Government that I was aware of.

Ques. When did you ascertain that the document was in existence?

Ans. I think the first I knew of it — I think not until some time after the election. It was reported on the street before that, I think I said, that the contract had been signed.

Ques. Have you not already sworn to this — that you might have heard it a day or two before the election? Did you not know previous to the election that the contract was executed? Ans. No.

Ques. And still you took a deep interest in having the contract executed?

Ans. I simply took a deep interest that the Government was intending to give it to Mr. Leary or the person the Council intended to give it to. I never bothered about the contract being signed, because I held that they would carry out the statements of the Provincial Secretary and Solicitor General that the contract would be signed and that they would carry out what they had stated publicly and privately.

Ques. You never ascertained whether it was signed or not until after the election? Ans. No.

Ques. How long was it after the election that you ascertained it was signed?

Ans. Perhaps a long time after. It may have been 3 or may have been 5 or 25 days.

Ques. Well, which was it, 3, 5, or 25? Ans. I could not say.

Ques. Then you did not take much interest in it?

Ans. Because I knew as soon as it got through the Council and his plans and specifications were accepted, I knew the Government would be bound to carry out their promises.

Ques. After the contract was signed, Mr. Kelly, and some proposition was made for extending the time, you were made the means of communication with Mr. Leary? Ans. No.

Ques. Did you not write a letter to him?

Ans. Yes, at my own suggestion.

Ques. Did not the Attorney General suggest to you to write to him for the extension of the time?

Ans. Well, I said in discussing the matter over with two or three Aldermen — it was suggested, I think, by Alderman Baskin — I said that we should have the extension of time from the Government, and finally I spoke to the Attorney General and he said Mr. Leary might write him, and of course I immediately wrote to Mr. Leary telling him he had better apply for the extension of time.

Ques. Then you were the gentleman that had the communication with Mr. Leary? Ans. Yes.

Ques. You were the one selected for that purpose?

Ans. No selection at all about it.

Ques. Did you volunteer to do it? Ans. Yes.

Ques. And you had no intimate acquaintance with Mr. Leary?

Ans. No.

Ques. And do you say you had no conversation with Mr. Leary about the contract?

Ans. Only when other members of the Council were present.

Ques. You had none personally with him at all? Ans. No.

Ques. You say you advanced this \$1500 out of your own money?

Ans. Yes.

Ques. Why did you send it up in such a hurry to York? Why did you not wait till you collected it?

Ans. Well, they wanted it in York it seems.

Ques. Who wanted it? Ans. For campaign purposes.

Ques. How did you know it? Ans. Well, it was suggested.

Ques. By whom? Ans. By the Solicitor General and others.

Ques. You were rather in a hurry in sending it up before it was collected?

Ans. Not at all. It is not the first time I have done the same thing.

Ques. Did you not send it up in a hurry?

Ans. I sent it up, certainly, almost immediately.

Ques. On the suggestion of the Solicitor General?

Ans. Yes, and other persons.

Ques. And you despatched your partner off immediately?

Ans. I think so.

Ques. And gave him no special instructions except to deliver it to Mr. Barry? **Ans.** Yes; that's all.

Ques. And await your message? **Ans.** Yes.

Ques. He was to await your collection of the money, was he?

Ans. Yes. He did not know what he was to wait for.

Ques. You did not rely upon your friends in Saint John contributing it, but you wanted to get the money actually in your hands before you paid it over? **Ans.** Certainly.

Ques. And you actually had it in your hands before you paid it over? **Ans.** Certainly.

Ques. How much did you collect?

Ans. \$1600 or \$1700.

Ques. Then you collected more than you paid?

Ans. Yes, but I had other uses for it.

Ques. Carvell contributed \$1,000 of that, Mr. Connor contributed \$300 and Mr. Quinton \$200? **Ans.** Yes.

Ques. And you say you chipped in yourself?

Ans. Yes, I always have to put a little in.

Ques. Then you would have considerably more than you paid out?

Ans. That was only so far as this County was concerned, but we required it for other places in our own County.

Ques. What did you do with this \$500 you did not send to Westmorland? **Ans.** That went into the general fund in St. John.

Ques. Did you send any money to any other County?

Ans. No.

Ques. Did any go up to Kent?

Ans. Not that I am aware of.

Ques. Any go to Northumberland?

Ans. Not that I had anything to do with.

Ques. Were you the general treasurer of the fund? **Ans.** No.

Ques. You thought it was desirable to send some funds to Westmorland, did you?

Ans. We were anxious to assist our friend here. (Mr. Hanington).

Ques. And the Government candidates that were running?

Ans. No, Mr. Hanington was the only man under consideration at the time.

Ques. Did you ever consult Mr. Hanington about it?

Ans. Not a thing.

Ques. It was entirely voluntary on your part? **Ans.** Entirely.

Ques. You don't know whether he approved or disapproved of your course?

Ans. No. I don't think anybody ever said anything to Mr. Hanington about it until I spoke to him about it last week.

Ques. You say you have been a friend of the Conservative party hitherto? **Ans.** Yes.

Ques. And the reason you support the Government ticket in St. John was because the Opposition had taken on Messrs. Stockton and Alward? **Ans.** Well, I —

Ques. Did not you say that if they had formed a straight Conservative ticket you would have supported them? **Ans.** Yes.

Ques. And one reason you opposed the Opposition ticket was that they took on Stockton and Alward?

Ans. I said because the Conservatives were determined to put on Stockton and Alward, and we decided to stand by Blair in consideration of his appointment of Ritchie.

Ques. And not because they took on Stockton and Alward as Liberals?

Ans. No, but because they had made themselves very objectionable to the class of people I belong to, and I claimed the only way to resent it was by opposition to them.

Ques. Has any portion of this money ever been recouped to you and the other gentlemen that chipped it in? **Ans.** No.

Ques. This money that was spent for the York election, I mean?

Ans. No, I did not look for it. These gentlemen were subscribing for the general fund.

Ques. This was a special fund, was it not?

Ans. No, it was for the general fund, and the money was taken out and sent to York.

Ques. Did not you take it out of your own private fund?

Ans. Yes.

Ques. Had you a general fund at all?

Ans. What I sent was mine, but the recouping of it was from the general fund.

Ques. Did you take it out of the general fund?

Ans. The subscriptions were coming in, but not then collected.

Ques. You had no fund at that time at all?

Ans. Not at the time it was sent.

Ques. Then it was your own private funds you put in?

Ans. Yes.

Ques. And you afterwards were recouped? Ans. Yes.

Ques. Do you mean to tell me that none of that money has been recouped to these parties since? Ans. Certainly it has not.

Ques. (Mr. Hetherington). Did you ever consult Mr. Blair about sending funds to assist him in his election in York? Ans. No.

Ques. How long has it been since you were in Fredericton before this time — have you been here within two or three weeks?

Ans. I was here on a Committee from the Council.

Ques. When was that? Ans. About the second of April.

Ques. Had you an interview then with Mr. George F. Gregory with reference to this matter?

Ans. O, I generally meet Mr. Gregory every time I am up here.

Ques. Did you have a conversation?

Ans. Yes, I was talking to him in the hotel and out of the hotel.

Ques. Was he trying to draw out of you any matter or subject in connection with this Leary dock business or Blair business?

Ans. Well, he usually strikes me on that line.

Ques. Was he trying to draw from you anything on this matter?

Ans. Yes, he spoke of the amount of funds that came here.

Ques. Did he ask you how much money was sent?

Ans. Yes, he said about \$12,000, and I said more than that, because I thought if he was such a fool as to think that —

Ques. (Mr. Wilson). Have not the people of the City of St. John and the City Council, acting on behalf of the people of St. John, been anxious for some dock improvements? Ans. Yes.

Ques. And any move that you have made towards getting these dock improvements has been the result of your anxiety for the improvement of the City as a citizen and as an Alderman?

Ans. That is it and nothing else.

Ques. (Mr. Hanington). You say that Mr. Gregory asked you up here within two or three weeks as to the money that came up here from St. John? Ans. Yes.

Ques. He spoke of it as a considerable amount, \$8000 or \$10,000?

Ans. Yes; \$10,000 or \$12,000.

Ques. He said that he had heard so?

Ans. I don't know that he said he had heard; he simply said that to me.

Ques. Did not he say that he had heard so? Ans. No.

Ques. How did he say?

Ans. Well, he spoke of my partner bringing this money up here and I said I did not know that he was here, or something to that effect; and he walked over to the register in the Queen Hotel and showed me his name, and I said I guessed he was. He asked me if that was his signature, and I don't know what I said. I think I said yes.

Ques. How did the \$8000 or \$10,000 come in?

Ans. When he spoke about the amount, I said something like: "Oh, more than that," just laughing and walking off.

Ques. That is, that more than that came from St. John?

Ans. Oh, that was in the parcel.

Ques. You referred to the parcel that had come from St. John from your partner?

Ans. Yes, he had reference to that, I presumed.

Ques. Did not he tell you that he had heard it went into Gunter's safe? Ans. I don't think he did.

Ques. And you told him then you did not know your partner was here?

Ans. Oh, I did not state to him directly at all, sir.

Ques. Did not you say so just now—that you did not know he was up here?

Ans. He asked me in such a way that I knew very well he was here.

Ques. Did not you say just now that you said you did not know your partner was here and then he showed you the book?

Ans. I said he came to me in that way and I told him —

Ques. I ask you: Did you not tell Gregory that you did not know your partner was here?

Ans. I said I did not know he was here about that date; I thought it was earlier than the 17th.

Ques. When he showed you the signature, did you not even say that was not your partner, or did you?

Ans. No, he talked about what the initials were.

Ques. Did you not say that those were not your partner's initials?

Ans. I said something about his initials. I said his name was M. G., and I thought it was signed G. M.

Ques. Are not the initials on the book M. G.?

Ans. I am not positive.

Ques. But whatever it was, you told him that wasn't it. You sent your partner up yourself with that money, did you not?

Ans. Yes.

Ques. And you told Mr. Gregory that the amount was larger than \$8000 or \$10,000? Ans. I said it in a joking way.

Ques. Did not you tell him that it was a mistake, that it had no connection with the Leary dock, but came in connection with another company? Ans. No.

Ques. Then, if I understand you when you told him that you knew you were telling him an untruth?

Ans. Well, I was joking with the man.

Ques. Did you tell him the truth, or what was not the truth, and you knew it? (Objected to and ruled out by Mr. Wilson, Mr. Mitchell and Mr. Hetherington).

Ques. You have told the Solicitor General and also myself that the Solicitor General and a number of you agreed to arrange to send money into York. Now, tell me who was there beside the Solicitor General and yourself? (Objected to as not material. Allowed on vote of Wilson, Atkinson and Phinney).

Ques. Who were there when the Solicitor General and you were there? Who were the several others besides you and the Solicitor General that arranged to send this money up here?

Ans. I cannot just exactly remember who the parties were.

Ques. Tell us as near as you can? Was Mr. Quinton there? You spoke of him furnishing money?

Ans. No, none of the candidates were there.

Ques. Was Mr. Connor there? Ans. No.

Ques. Well, who were they? How many were there?

Ans. I could not tell you. Mr. Pugsley and I were there, and some others that I do not remember.

Ques. You have no recollection of who was with Mr. Pugsley — of these several that were there? Ans. No.

Ques. But they were the gentlemen that arranged with you for sending money up here? Ans. It was talked over.

Ques. It was arranged by you and Pugsley and the others that the money should be sent?

Ans. Mr. Pugsley and I merely talked it over.

Ques. And it was arraigned among you that the funds should be sent to York? Ans. And also to Westmorland.

Ques. And you cannot recollect who were there? Ans. No.

Ques. Nor any of them? Ans. No.

Ques. And the funds were sent that same day, were they?

Ans. Perhaps not till next day — either that day or the day following.

Ques. If I understand you rightly this money was recouped to you out of the general fund they were subscribing for?

Ans. The subscriptions that were coming in was for the general fund.

Ques. You were recouped out of the general fund?

Ans. I recouped myself out of the subscriptions as they came in.

Ques. You knew when you sent that money up here that Mr. Carvell's people were going to put \$1500 into the fund?

Ans. I knew they would put \$1000 or \$1500 in.

Ques. But you would not trust their word, or the whole of them for the \$1500 until you actually had the money in your hand, and that you swear, do you?

Ans. Certainly, because I wanted the money in my hand.

Ques. (Dr. Atkinson). Did each of those men pledge the amount you say they gave? Ans. Yes; they had pledged to give so much.

Ques. You would not have sent the money at all unless they had pledged it? Ans. No. I would not have advanced it myself.

Ques. How long before you sent it did they pledge it?

Ans. Well, perhaps it was weeks before that some of them had said they would give so much for the general fund.

Ques. How many days or hours before you sent the \$1500 had you the \$1500 promised or pledged?

Ans. Oh, there was twice \$1500 pledged long before that.

Ques. But I mean this particular \$1500?

Ans. Oh, it was out of the general subscriptions that I was to be repaid.

Ques. You were perfectly sure that you would get the \$1500 when you sent it up?

Ans. No, otherwise I would not have told my partner not to deliver it until I had it.

Ques. Did you not just tell me that you would not have sent it at all if you had not been sure?

Ans. I felt sure of it because I had my own money until such times as I had it recouped to me.

Ques. The money that you took out of the bank was your partner's or your own? Ans. Belonged to the concern.

Ques. It was part yours and part Mr. Murphy's?

Ans. Yes, we are partners in everything we have.

Ques. How much did you subscribe yourself?

Ans. I think I paid about \$200 into the show — perhaps a little more.

Ques. You have said that you were perfectly sure that you would get this money back when you sent it? Ans. Yes.

Ques. Then why did you instruct your partner not to deliver it until he heard from you?

Ans. Because I was not going to pay it until I had the money in my hand. I wanted to have the money in my hand before I delivered it over.

Ques. (Mr. Phinney). When you speak of the money being pledged, do you mean that it was on the subscription list?

Ans. No, different parties had stated that they would give so much money. I had stated myself, and a number of others, that they would give so much money towards this election fund.

Ques. (Mr. Pugsley). You have been asked with regard to the feeling in St. John with reference to this contract. I will ask you if at that time not only the Council but the general public were not in favor of giving the contract to the person selected by the City Council? Was that not the almost unanimous feeling of the citizens?

Ans. Yes, and is now.

Ques. The night that you saw the Government with the Mayor and other members of the Committee, when you say that the Attorney General rather complained that you were urging an answer that night, I think that either you, or some other Alderman, took the ground that the Government should give an answer that night as the City had agreed? Ans. Yes.

Ques. (Hon. Mr. Mitchell). You insisted that the Government should answer you right there on the spur of the moment?

Ans. I think so.

Ques. And was that not what nettled the Attorney General?

Ans. That is what caused the trouble, I think.

Ques. And we did not want to give you any definite answer with-

out considering the matter alone? Ans. Yes, I suppose so.

Ques. (Hon. Mr. Pugsley). You have stated that you and I talked the matter over of sending money to York, and also the matter of sending to Westmorland, was spoken of. I would ask you this: Whether I gave you as one reason why I thought it would be necessary that the friends should contribute something to York, that the Attorney General was coming down to St. John to address a political meeting, which would necessarily take him out of the County and be somewhat of a disadvantage to him as far as York was concerned?

Ans. Yes, that was advanced.

Ques. That was the reason I suggested to you, was it not?

Ans. Yes.

Ques. I will ask you whether or not that was not the first occasion on which I or anybody else ever suggested to you that any money should be sent to York? Ans. That was the only time.

Ques. Mr. Hanington asked you about the conversation you had with Mr. Gregory when Mr. Gregory saw you and endeavored to get information from you, were you aware that he had a protest pending in York at the time?

Ans. I did not know whether he had the protest; I knew there was a protest pending. I pay very little attention to these protests for I am not in accord with them.

Ques. He mentioned that some \$10,000 or \$12,000 had been sent?

Ans. Yes.

Ques. And in making the reply you did, you were simply joking?

Ans. Yes.

Ques. (Dr. Atkinson). When was it, again, that you met the Government — in December? Ans. Yes.

Ques. I understood you to say that you were not extremely anxious about the dock? Ans. Individually, you mean?

Ques. Yes.

Ans. Well, no I was not extremely anxious, but I am anxious as a citizen to see the works go on, because I am aware if any great works go on there it will give employment and be a benefit to the entire community.

Ques. If you were not very earnest in the matter, how came it that you pressed the Attorney General so hard as to make him angry?

Ques. I was on a delegation and in the City's interest, and I would press you the same. When I am on these important delegations it

does not make any difference. These gentlemen that know me before the different committees in the Legislature, know that I press for anything that I am on.

Ques. When did you see Mr. Pugsley this time that you speak of?

Ans. Two or three days before the Attorney General came to St. John.

Ques. Well, the Attorney General came on Friday? Ans. Yes.

Ques. About what time did you see Mr. Pugsley, at this time you had the conversation about the money—I mean what time in the week and where was it?

Ans. I think it was in the committee room, perhaps Wednesday or Thursday.

Ques. Then the Solicitor General spoke to you either on Wednesday or Thursday?

Ans. I think we talked about it on Wednesday, about the Attorney General coming down there, and I think he was then considering whether he should go to St. John or not because he was busy in York, and he finally agreed to come down on Friday, and Mr. Pugsley considered some money should be sent to York in consideration of the fact that he was coming down, because the Opposition was claiming that he was not going to give anything for docks.

Ques. You say that this money was sent to Mr. Barry on account of the Attorney General going to St. John to address the electors?

Ans. Yes, and to carry the County of York, if possible, for the Government.

Ques. (Mr. Phinney). And carry the County of York, if possible? Ans. Yes, or assist.

Ques. (Dr. Atkinson). What did you say the Opposition were urging in St. John?

Ans. They were claiming that the Attorney General had no intention of giving any subsidies towards harbor improvements.

Ques. What do you mean by that when the \$2500 was already given?

Ans. Yes, but the additional subsidy they were talking about at that time—to make it \$7500 or \$10,000 as Leary had asked for when he was present on the delegation and as the committee of the Council had asked for.

Ques. Then you as one of the citizens of St. John wished the Attorney General to come down for the purpose of declaring his policy in that regard?

Ans. Not only on that but other things. He had never spoken in St. John and a number of us were anxious to have him and myself among the rest.

Ques. But that was the main reason? Ans. Yes, the public works.

Ques. You say that was the main reason. Were there other reasons?

Ans. Well, now, the fact was that they were claiming that the Attorney General had no intention of treating St. John with respect; there was a general feeling in that way, and we were anxious to have him make a declaration on that and some other matters that I have forgotten.

Ques. You were anxious for a declaration on account of public works. Were you not anxious that the matter of the dock should be completed and the contract signed?

Ans. No, I never asked him about the contract.

Ques. Have you not already sworn that your anxiety induced you to press him so hard as to make him angry?

Ans. That was long before.

Ques. You were then not anxious, is it?

Ans. Well, I had a chance to speak to him on the delegation, but this was a public meeting.

Ques. Were you at the meeting?

Ans. No, there was sickness in my family that night and I could not get there.

JAMES G. BYRNE, *Sworn and Examined by Mr. Hanington:*

Ques. You are in charge of the Western Union Telegraph Office of this place? Ans. Yes.

Ques. Under subpoena from the Committee you were required to produce messages and papers of the 16th and 17th of January?

Ans. I have brought them with me.

Ques. Now, I don't want to inquire anything about any telegrams that have no reference to this matter, or to see any telegrams, but Mr. Barry has sworn that he got a despatch from the Attorney General about the 16th or 17th, I think, of January, which he says he has lost or burned himself. Would you kindly look over your despatches of those dates?

Ans. Well, my instructions from the Company are to protest against producing them, and if it is insisted upon that the message re-

quired should be specified to enable them to pick them out, as there are many private telegrams here which they would not care to have inspected.

Mr. Hanington — I don't want anyone to see any of the despatches if they don't relate to the subject matter. Mr. Barry has said that he received a despatch from Mr. Blair to send down a contract or paper.

Mr. Barry — I did not state positively the date of it nor that it was from Mr. Blair; I did not pay much attention at the time. But if Mr. Byrne opens the telegrams I will look for it.

Hon. Mr. Pugsley, objected. Before a telegram can be put in evidence the original telegram must be produced to show what was actually sent.

Mr. Hanington — I contend that the telegram received is as much the original as the one sent, that is in the Canterbury office, or wherever it was sent from. One is as much admissible in evidence as the other, but if, as the Solicitor General contends that is not so, and you rule it out, then I will endeavor, through Mr. Byrne, to find out where the despatch came from, and will ask for a subpcena to send to Canterbury for the party who has the original.

Ques. (Mr. Phinney). Is it not the practice of the company to destroy these telegrams at the end of certain intervals?

Ans. Yes, six months.

Hon. Mr. Pugsley — If the Committee rule that the original is admissible I will be quite willing when it comes to treat it as proved.

Ques. (Mr. Phinney). Is not the copy you have a duplicate of the document you delivered to Mr. Barry?

Ans. It is a press copy or would be in the ordinary course. Once in 50 times, perhaps, it would be written with a pen.

Ques. (Mr. Wilson). Are the copies delivered always the exact counterpart of what are sent?

Ans. Not always. We endeavor to have them as nearly as possible the same, but fail sometimes.

Ques. You would not undertake to say if you delivered a copy of a telegram it would be an exact copy of the one sent?

Ans. No, but it should be.

Mr. Phinney — Would not the telegram received by Mr. Barry upon which he acted be evidence, and if so, would not a press copy of it be receivable?

Hon. Mr. Mitchell — But would Mr. Barry be able to say that it was a telegram received from Mr. Blair?

Mr. Phinney — No, but if Mr. Barry treated it as a genuine document I think the Committee would receive it, and if so a duplicate press copy should be received.

Hon. Mr. Pugsley — I presume the object of putting in the telegram is to make evidence against Mr. Blair. If so, it is proper that the original should be produced here. I would not urge the objection if any delay would be caused, but Mr. Byrne states that the original can easily be got.

Mr. Phinney — The original would certainly be the best evidence, but I don't think anything is to be gained by this course.

Mr. Hanington — I do not think the original is the best evidence. Here is a telegram which Mr. Barry receives and upon which he acts, and which if it had not been burned would be evidence and the only evidence of the message he received. The Courts admit the messages as received as originals if they are involved in the acts under consideration.

Hon. Mr. Mitchell — Would the Court accept the telegram as a telegram sent by the party who purported to send it?

Mr. Hanington — Yes, in connection with the circumstances they would.

Hon. Mr. Mitchell — Mr. Byrne could not swear that Mr. Blair ever sent it, so that it would not be proof that Mr. Blair wrote the message.

Mr. Hanington — Yes, it would be *prima facie* proof, and, according to the rule laid down in insurance cases, the other party would be at liberty to prove that it was not genuine. I am not going to consent that it be sent here by mail, because I cannot put it in when it does come here unless the man who sent it is here.

Hon. Mr. Pugsley — You could prove the signature, could you not? If the object was to explain Mr. Barry's action on the receipt of a certain telegram, my learned friend's contention would be all right. But this is the investigation of a charge against Mr. Blair, and it is in the hope of finding out something that will effect Mr. Blair that this evidence is asked. Whether there is anything of importance in it or not I do not know, but if so the proper thing to do is to produce the original from the office at which it was sent. If it is not in existence the copy of the received message could be put in evidence. If a telegram is produced from the sending office written by Mr. Blair, I will

treat it just the same as if the gentleman came here and said on such and such a day Mr. Blair left that message here to be transmitted to Fredericton.

Mr. Hanington — I will not consent to any such thing. If they are going to adopt that plan I will have the agent subpoenaed to produce all the telegrams sent by Mr. Blair. Mr. Byrne, you might see if you have any telegrams from Mr. Blair to Mr. Barry on those dates.

Mr. Wilson — One thing is quite clear, namely : that this Committee has no power to compel Mr. Byrne to do anything. He says before he is authorized to produce any despatches here, it must be specified in a summons.

Mr. Hanington — Mr. Byrne is here as one of Her Majesty's subjects and must produce any paper he has. I simply want to know, Mr. Byrne, whether a despatch came from the country or where.

Mr. Pugsley objected. It is proposed to show what despatches were received before it is shown that any were sent.

Mr. Hanington — I can prove the receiving of the telegram.

Hon. Mr. Pugsley — It must first be shown what telegrams were sent and then the originals must be subpoenaed. Otherwise we would be entering upon an inquiry that may lead to the consideration of other telegrams with which we have nothing whatever to do.

Mr. Wilson — I am not in a position to give a decision on this point without some consideration. It certainly is evidence against Mr. Blair if this telegram is produced and it is very different from a telegram sent to affect insurance or carry out a contract. It seems to me the original ought to be proved, but I would not like to rule upon it without having the opportunity of considering it.

At Mr. Hanington's request a subpoena is directed to be issued to Mr. Byrne to produce all the despatches received at the Fredericton office during the week from 12th to 20th of January to or from Mr. Blair and Mr. Barry ; also between Messrs Kelly and Murphy, if any, on the 16th and 17th of January.

Hon David McLellan being called on to take the stand stated that he had neglected to get permission of the Legislative Council to testify before the Committee, which he was informed was necessary. He had been subpoenaed to appear Monday morning and thought he would then be here.

W. STORY HOOPER, *Sworn and Examined by Mr. Hanington:*

Ques. You are manager of the C. P. R. Telegraph Company here?

Ans. Yes, their agent here.

Ques. You have been subpoenaed to produce despatches between or of certain dates here, have you brought them?

Ans. No, I have not.

Ques. You are subpoenaed to produce them? Ans. Yes.

Ques. Why have you not produced them?

Ans. Acting under orders from the Company at the head office.

Ques. Who instructed you not to produce them?

Ans. Exactly so.

Ques. On the ground?

Ans. That all these things are confidential and privileged.

Mr. James a Vanwart is allowed to appear before the Committee on behalf of the Canada Pacific Telegraph Company. He states:

On behalf of the Company I desire to say that they object to producing the papers under that subpoena for the simple reason that they are asked to produce all the telegrams between certain dates. They are the custodians of the telegrams, it is true, but they are of a private and confidential character, and may involve matters of a very private nature and many interests, and the Company think they are not subject to inspection by this Committee. They have no desire to withhold proper information, but they decline, and feel that they are not called upon to exhibit the telegrams sent to and from the Fredericton office to this Committee. If they are asked to produce certain telegrams, from whom and to whom, and the dates, they will consider what course they will take with reference to them. But under that subpoena they feel they ought not to be called upon to do so. The Company think the Committee ought to know what telegrams they require, and what information they want, and not send out a subpoena which is something in the nature of a search warrant or a fishing expedition to find out what possibly may be there. Mr. Hooper is simply an agent. He has no desire to shirk any responsibility or decline to produce any papers, but as the custodian of those papers he is bound by the instructions of the Company and will act accordingly. If the Committee will state what telegrams they require—the persons from whom and to whom—enabling the agent to see whether these telegrams are on file, they will see what action they will take with reference to it.

Mr. Hanington — What I intended to do was only to have the subpoena include the telegrams involved in the inquiry. Therefore, I think there is some reason in what the Company say, that they ought not to produce all the despatches. I want the record book of all the despatches, but I never contemplated the production of all the despatches themselves, but only those between Mr. Blair and Mr. Barry, but I want the record book of all despatches, from whom and to whom and the date and hour received. It was not contemplated that all these despatches should be subject to the inspection of anybody, and therefore, I think the contention they make is about right.

At Mr. Hanington's motion a subpoena is directed to be issued to the Canada Pacific Telegraph Company, returnable Monday, to produce all despatches between Mr. Blair and Mr. Barry, between the 12th and 20th of January last and between Mr. Kelly and Mr. Murphy, if any, on the 16th and 17th of January last.

Committee adjourned until Monday, 14th inst., at 10 A. M.

COMMITTEE ROOM,

APRIL 14th, 1890.

The Committee met pursuant to adjournment at 10 a. m.

Present: Mr. Wilson, Chairman; Hon. Mr. Mitchell, Mr. Hetherington, Mr. Phinney and Dr. Atkinson.

The Chairman called the attention of the Committee to the report of the evidence of Mr. Murphy in the issue of the Gleaner of Saturday last, as follows:

"Wilson was to deliver the money."

This was clearly erroneous and should be rectified. It was the witness who was to deliver the money, as the Committee was aware that that was the evidence given. He would not have mentioned it were it not that such a statement going abroad would give a reader the impression that he (Wilson) had dealt with the money, when such was not the fact.

Mr. Pugsley stated to the Committee that since the adjournment on Saturday last he had conferred with the Attorney General, who would not delay Committee by waiting for original telegram, but was willing that the copy should be received in evidence. (This is set out in Mr. Byrne's evidence). He would also state that the Attorney General was not ashamed or afraid of any telegram that passed between himself and

Mr. Barry being received in evidence, and he (Mr. Pugsley) would therefore withdraw the objection he had made on the subject of the telegrams being put in unless they were the originals, and he was quite willing that copies of telegrams should be treated in all respects as if they were the originals.

J. G. BYRNE Recalled, and Examined by Mr. Hanington :

Ques. I think you were sworn on Saturday? Ans. I was.

Ques. Who is telegraph operator at Harvey?

Ans. I have not yet learned, as I had no opportunity since I was asked to do so.

Ques. Do you know who is the operator at Canterbury?

Ans. I do not. I have not had time since Saturday night to learn, but it could be easily ascertained at the Station by telephone. The Station Agent, I am pretty sure, knows the names of those men, as they are employed by the railway company.

Ques. You have the copies of the despatches referred to?

Ans. I have the messages specified.

Ques. The messages themselves?

Ans. The messages specified here? (Witness hands out a message).

Ques. Is that the only one?

Ans. I am advised by my Counsel, Mr. Vanwart, not to answer that question.

Ques. Let me see the one you have?

Ans. Yes. (Witness hands message to Mr. Hanington).

Mr. Pugsley — I admit this is a copy of the telegram Mr. Barry says he received, and which he says he destroyed.

Telegram read as follows :

“ HARVEY, YORK Co.,

“ January 15th.

“ J. H. BARRY.

“ Among my letters, either at house or office, is a large letter containing draft contract between Government and Leary. Please send Solicitor General St. John morning mail.

“ A. G. BLAIR.”

Ques. (Mr. Chairman). You say that telegram was sent on the 15th?

Ans. It was quite late on the 15th, and was received on the morning of the 16th.

Ques. (Mr. Hanington). At what time did you close your office here on the 15th? Ans. Not before 10 o'clock.

Ques. It was brought too late for them to send and it came into your office next morning? Ans. Yes, next morning.

Ques. (Mr. Phinney). Is the hour marked? Ans. I think it is.

Ques. Look at it, please, and tell me?

Ans. This would be Western Union time, that is about 25 minutes ahead of this time. It is here 9.37 a. m., that is 9.12 local time when received here on the 16th January last.

Witness stands aside.

JOHN MCGOLDRICH Called, Sworn, and Examined by Mr. Hanington :

Ques. You reside in St. John? Ans. Yes.

Mr. Pugsley said the time had now arrived when he ought to state to the Committee his view as to the course that should be pursued. It having been shewn that \$1500 was received by Mr. Barry to assist in the York elections, and that Kelly had sent same, being reimbursed by supporters of the Government in St. John, and as Kelly denied it was in consequence of any arrangement with or understanding with Leary, evidence should be adduced to connect Mr. Blair with that, and he objected to further evidence being gone into until that done. Both he and the Attorney General were desirous of coming to the stand for examination.

Mr. Hanington said he could not see what the learned Counsel meant. He proposed to show facts and circumstances connected with the charge and with the payment of the money, and whether it was not understood that although the money had come as stated, yet that there was an understanding that these persons were to be recouped if Leary got the contract. The fact that Kelly had sworn to one set of circumstances, did not preclude him from shewing others, which, he said, were in his view, the real state of facts and circumstances. He had no objection to the Solicitor or the Attorney coming on the stand, and was glad to hear they were to do so. He was not present for the purpose of prosecuting any man but simply to get at the facts.

The Chairman thought that some evidence should be given connecting Mr. Blair with the transaction before any further testimony was given.

Messrs. Mitchell and Hetherington coincided in this view.

Mr. Phinney thought the investigation should proceed on the lines as

Mr. Hanington thought best, and should not be limited, as was now sought to be done — to do so would be an injustice both to accuser and accused.

Dr. Atkinson said he would like to hear the testimony of this witness, to see what light he could throw upon the facts and circumstances connected with the charge.

The examination then proceeded as follows :

Ques. You were in St. John at the time of the election, were you not? Ans. Yes.

Ques. You are an Alderman? Ans. Yes.

Ques. You took an active part in connection with getting the contract for the docks? Ans. In what way?

Ques. Any way?

Ans. I voted in favor of the dock at the Council.

Ques. Did you, beside voting for the dock, take any other active part in it, or did you not? Ans. Yes, I did.

Ques. Did you press upon the members of the Government the necessity of having the contract entered into — first, were you a member of the delegation to the Government? Ans. No.

Ques. Did you press upon the Government, or the members of the Government, the necessity of having a contract entered into for the dock? Ans. With the Government — no.

Ques. With any member of the Government?

Ans. Yes, I spoke to a few supporters of the Government.

Ques. (Mr. Pugsley). The ministers?

Ans. No, I never spoke to any of the ministers of the Government. I asked a few of the members — Mr. Quinton.

Mr. Pugsley — Do not give the conversation with Mr. Quinton.

Ques. You never spoke to any of the members of the Government?

Ans. No.

Ques. (Mr. Hanington). Had you urged it upon the supporters of the Government and the gentlemen on the Government ticket, or had you said anything on the subject of the contract at all, or had they said anything to you about it?

Ans. I do not remember any member of the Government speaking to me about it and I am positive I did not speak to any member of the Government myself to induce them to give it.

Ques. Did you speak to either of the members of the Government there on the subject of the dock? Ans. No.

Ques. Never did? Ans. No.

Ques. Then you were not very anxious to have the docks were you? (Objected to — immaterial. Messrs. Mitchell and Hetherington spoke against question being allowed, and Messrs. Phinney and Atkinson in favor. Ruled out).

Ques. Were you anxious to have the docks contracted for? (Objected to — same question. Allowed). Ans. I was.

Ques. How did you say then a little while ago that you were not?

Ans. I did not say so.

Ques. Yet you never spoke to any member of the Government on the matter? Ans. No.

Ques. You supported the Government ticket? Ans. Yes.

Ques. And yet you never spoke to any one member of the Government on the subject?

Ans. Not the Government. If you mean members of the cabinet — I never spoke to them.

Ques. I mean Mr. Pugsley or Mr. McLellan?

Ans. Neither one of them.

Ques. Do you remember the day the contract came down there?

Ans. No, I do not remember the day.

Ques. Do you remember the occasion of it coming there?

Ans. I read in the papers about it coming there.

Ques. Did you hear on the 17th January that the contract had come down and was delivered? Ans. I read it in the papers.

Ques. I did not ask you about the papers, or reading it in the papers; if you answer my questions we will occupy less time?

Ans. I think the first I heard of it was what was in the papers.

Ques. Will you swear that you did not hear on the 17th that the contract was signed? (Objected to — hearsay evidence. Allowed on the ground that similar evidence had been previously given without objection). Ans. I do not remember.

Ques. Did you ever see the contract? Ans. No.

Ques. Did you take any part in getting it?

Ans. Not that I know of.

Ques. Were you informed that the contract was signed, by any gentleman running on the Government ticket in St. John, and if so, when, and by whom? (Objected to — irrelevant and immaterial — allowed.

Ans. Not that I know of.

Ques. Were you not informed by any gentleman on the Government ticket in St. John that the Government were going to try to get from the House of Assembly more than the \$2500?

Ans. Yes, I think I heard one of the members of the Government ticket say that they would get more than the \$2500.

Ques. Which member said that?

Ans. I think it was Mr. Quinton said that.

Ques. Did he tell you that he had the promise of the Government to do it?

Ques. I do not know — he did not tell me he had the promise of the Government — he simply said, in speaking one day I met him on the street, about the \$2500, and I then asked him if he thought there was any prospects for more, and he said there was a prospect, the Government would increase the subsidy. He did not say how much more.

Ques. About how much more?

Ans. I do not know he said the amount.

Ques. About how much more? (Objected to).

The Chairman asked Mr. Hanington if he would as Counsel for the prosecution, undertake to connect Mr. Blair with the evidence now sought to be given.

Mr. Hanington — I do not know whether I can do it or not. I intend to try but I cannot do it unless I have the right to examine witnesses, and my answer is that under the general ruling against me on this subject if that is carried out it will be impossible, probably, for me to do it because I cannot get at the facts bearing on the case. (Question allowed).

Ans. I do not remember him stating any amount at the time how much more it would be. I asked him as I said, on the street, if there was any chance of more than the \$2500, and he said he thought there was.

Ques. And you do not remember any amount he named, do you?

Ans. No.

Ques. Is your memory bad? Ans. No, generally good.

Ques. You do not remember any amount being mentioned?

Ans. No, no amount.

Ques. Do you not know that Leary would not take the contract unless there was an additional amount given, or do you know? (Objected to — immaterial. Messrs. Mitchell and Hetherington said it was inadmissible. Messrs. Phinney and Atkinson thought question should be allowed. Ruled out).

Ques. Did you see Mr. Leary when in town?

Ans. I saw him, I think, about three times since he first came there in reference to it.

Ques. Did you talk over this business with him? Ans. Yes.

Ques. How often?

Ans. Once or twice — twice, once in the Council Chamber, and I think, another time in the Committee Room.

Ques. Before the contract was signed?

Ans. Before the government contract was signed?

Ques. Yes? Ans. This was when he was first applying.

Ques. He did not tell you himself that he would not go on with the work or the contract unless he got more? (Objected to. Ruled out by majority of Committee).

Ques. Do you know who managed the business for Leary in St. John in connection with the contract, or do you not?

Ans. I heard that Mr. Murray did, but I do not know myself, but I heard Murray was agent for him.

Mr. Hanington asked for subpoenas for Geo. B. McKiel, the telegraph operator at Harvey Station, and John Welsh, operator at Canterbury, with all telegrams sent from the offices by Mr. Blair to Mr. Barry on the 14th, 15th, 16th and 17th January; also for Robert O. Stockton.

Ques. You did not speak to Murray or Murray to you on the subject or did you—on the subject of the contract?

Ans. On the dock—Oh, yes, I talked with Murray lots of times about it.

Ques. About the dock? Ans. Yes.

Ques. And the contract for the dock? Ans. Yes, I think we did.

Ques. Murray was very anxious for Leary to have the contract was he not? (Objected to—ruled out. Hetherington, Phinney and Mitchell concurring.

Ques. Did not he tell you he was Leary's agent? (Objected to, ruled out as before).

Ques. You say you did talk to Murray about this contract?

Ans. Yes.

Ques. Did not you tell him you would do all you could to get the contract for Leary? (Objected to, ruled out per Hon. Mr. Mitchell, Mr. Hetherington and Mr. Wilson).

Ques. Did you try to get the contract for Mr. Leary? (Objected to).

Ans. I don't know as I did in any way. The only man I spoke to about the contract at all was Mr. Quinton I think.

Ques. Was not that to try to get it for Leary? (Objected to. Allowed per Mr. Phinney, Dr. Atkinson and Mr. Wilson).

Ans. No, I would not consider it. I don't remember mentioning

Leary's name at the time at all in the conversation I had with Quinton ; that is in connection with the contract at the time I was speaking to Quinton.

Ques. Was not it to try to get the contract for the docks that you spoke to Quinton ? (Objected to—Ruled out per Hon. Mr. Mitchell, Mr. Hetherington and Mr. Phinney).

Ques. Did not Quinton tell you he would do all he could to get the contract for the docks ? (Objected to—Allowed).

Ans. Yes, I think he said he would do all he could to have a dock built in Carleton.

Ques. Then the only contract that was then discussed for the docks in Carleton was Mr. Leary's, was it not. I mean in the city ?

Ans. Yes.

Ques. And, therefore, when he said that it had reference to a contract with Leary for the docks in Carleton ? Ans. Oh, yes.

Ques. About how long before the election was that ?

Ans. I should think it was probably three or four weeks.

Ques. Had you only one conversation with him on that subject ? Had you not a conversation with him on that subject less than three or four weeks before the election, as near as you can tell us ?

Ans. No, I don't remember having any particular conversation with Quinton except that time ; that was about three or four weeks before the election.

Ques. You then knew he was on the Government ticket, did you not ?

Ans. I knew he was a Government supporter. I don't think they had chosen their ticket at that time.

Ques. You thought his influence was to be used with the Government as a supporter ? Ans. I presumed it would be.

Ques. Did you know anything of the money coming up to York ?

Ans. No.

Ques. Did you not hear of the intention to send money up to York in the election. (Objected. Ruled out per Phinney, Hetherington and Mitchell).

Ques. Did not you tell Quinton you would like him to do all he could ? Ans. No, I don't remember telling him that.

Ques. Did you give him to understand whether you wanted the contract entered into for the docks, or did not ? (Objected to. Ruled out per Hon. Mr. Mitchell, Mr. Hetherington and Mr. Wilson).

Ques. Tell me what you said to him — every word of the conver-

sation? (Objected to. Allowed per Dr. Atkinson, Mr. Phinney and Mr. Wilson).

Ques. Do you want me to give the conversation that took place between Quinton and I just as it occurred?

Ques. Yes?

Ans. Well, I am willing to tell it as far as I know. I met him on the street 3 or 4 weeks before the election, I think, and previous to that Leary had been in St. John and in the Common Council and Committee Room, had been seeking to get the City to give him a grant of \$10,000 a year for a dry dock in Carleton. After looking into the matter carefully at that time I thought a dry dock would be a very good thing in St. John and was anxious as a citizen and an Alderman to have the dry dock built, and thought it would put a good deal of money into the City. I had very little conversation with the members of Parliament, but I happened to see Mr. Quinton.

Ques. But you voted for it in the Council?

Ans. Yes, providing the plans and specifications were all right. I met Quinton on the street shortly after that, and in the conversation I said: I understand that \$2500 was about the amount to be given. I asked him if he thought the Government would not give more than \$2500. He said in his opinion he thought they would, and we went on and talked about the dock business, and how it should be done and all that kind of thing, and I told him at the time that I thought if the Government gave a larger grant than \$2500 the dock would go on, but from the best authority I knew Leary would not build for \$2500. Quinton said he thought there was a possibility of enlarging the grant, but did not say to me how much the grant should be. I don't remember telling him that I was anxious to do anything, but simply spoke to him as a representative of the City that the dock would be a good thing. That is the whole tenor of the conversation as far as I remember.

Ques. From that you gave him to understand that the dock should go on? Ans. Well, that is about all the conversation.

Ques. Did you give him to understand that you were anxious that the contract should be given? (Objected to—Ruled out. Mr. Phinney Mr. Hetherington, Mr. Mitchell concurring).

Mr. Hannington asks that subpœnas issue for the attendance of Mr. Robertson of the Western Union Office, St. John, with all telegrams sent to or received from the Attorney General from the 12th to the 20th of January.

Subpœna ordered to issue. Adjourned till 2.30 P. M.

Committee met at 2.45, and Mr. McGoldrick resumes his testimony.

Ques. (Mr. Hanington). You say that you never spoke to any member of the Government on the subject of docks or of Leary or of the contract or of public works in connection with the dock at all. You swear to that do you?

Ans. No, I never spoke to any cabinet member.

Ques. You mean of the Government?

Ans. Yes, of the Local Government.

Ques. You never spoke to them on that subject at all?

Ans. No, I had no talk with them.

Ques. You contribute to any of the funds that came here, do you know? (Objected to—Irrelevant).

Mr. Phinney—I think we have already inquired into that and we have a right to pursue it. We want to know who made up this \$1500.

Mr. Hetherington—I object to it.

Hon. Mr. Mitchell—If you can connect Mr. Blair with it I would not object to it, but as it stands at present I think it is objectionable.

Dr. Atkinson—Similar questions have been asked and I don't see why this should be shut out.

Mr. Wilson—We have already found out where the \$1500 came from. (Ruled out).

Ques. Were you informed of Murphy coming up here? (Objected to—Irrelevant. Ruled out as before).

Ques. Did you know whether it was arranged first that Kelly should come here with the money? Ans. No I did not.

Ques. Were you present when the matter was talked over of sending the money here with Pugsley? Ans. No.

Ques. Were you present at the public meeting that night when the Attorney General was there and that telegram was read from Mr. Leary?

Ans. At the Mechanics Institute?

Ques. Yes? Ans. Yes.

Ques. Were you not informed that night that the contract was signed that day? (Objected to—Irrelevant. Ruled out per Hon. Mr. Mitchell, Mr. Hetherington and Mr. Wilson).

Ques. I think you said you never saw the contract?

Ans. I never saw it.

Ques. Nor any paper in connection with this business? Ans. No.

Mr. Hanington—I have nothing more to ask. I will say that under the ruling of Your Honor it is not open to me to pursue this inquiry in the direction I had intended—as to this gentleman's knowledge.

Ques. (Hon. Mr. Pugsley). It was stated here this morning that witnesses had refused to give him any information. Did you refuse to give him any information or tell him what you knew?

Ans. Not that I know of.

Ques. You were perfectly willing to tell him all you knew?

Ans. Certainly.

Mr. Hanington—I specially excepted him from that remark.

JAMES O. STACKHOUSE, *Sworn, Examined by Mr. Hanington :*

Ques. You reside in Carleton? Ans. Yes.

Ques. You knew of the negotiations going on about this contract?

Ques. (Hon. Mr. Mitchell). You are one of the Aldermen?

Ans. Yes.

Ques. (Mr. Hanington). And were then I suppose? Ans. Yes.

Ques. You took part in getting the contract from the City for Leary, did you not? Ans. Yes, I voted for it in the Council.

Ques. Did you not take any other part in it?

Ans. Yes, I was interested in it as well as any other citizen; I thought it was for the benefit of St. John and I went for it.

Ques. Then you can answer me the question whether you took part in it?

Ans. I took part in it as an Alderman and a West Side member, and as the dock was to be built on that side, I did take an active part in it, and did all I could to get it there, that is honestly and fairly done.

Ques. Then you took a very active part in it?

Ans. Yes, so far as that went.

Ques. Did you speak to the members of the Government about it?

Ans. I think not; I have no recollection of speaking to the members of the Government.

Ques. Well, any member of the Government?

Ans. Well, I spoke to Mr. Quinton about it.

Ques. (Hon. Mr. Pugsley). You have no recollection of speaking to any member of the Government? Ans. Not since a year ago.

Ques. (Mr. Hanington). You spoke to Mr. Quinton about it?

Ans. Well, I met him on the street one day and I spoke to him about it, and he said he was in favor of the dock being built.

Ques. Did you ever urge him to use his influence in that way?

Ans. No.

Ques. You did speak to Mr. Quinton, and you did that about election.

times, did you? Ans. No, it was before the election was announced at all; before there was any talk of it.

Ques. Then you never spoke to Quinton or any other candidate on the subject about the time of the election — say within three weeks of the election?

Ans. I might have spoken to Quinton after that, but not in any way urging him towards the dock.

Ques. I am speaking on the subject of the dock or the contract for the dock?

Ans. I did not speak to any member of the Government concerning the dock at all. I don't remember any conversation at all.

Ques. Did you not say you were anxious that Leary should get the contract? Ans. Certainly.

Ques. Well, did you say that to Quinton?

Ans. I hardly think I did say it.

Ques. Did you not say it to any man running the election?

Ans. Not a member.

Ques. Well, I mean a candidate?

Ans. I had no conversation with any of them but Quinton, I think, in the whole campaign, and those few words are all I ever said to him as near as I can remember.

Ques. Did not you say that the work could not go on, or to that effect, unless the Government gave more than \$2500?

Ans. No, I never said any such a thing.

Ques. Well, you knew that was a fact, did you not? Ans. No.

Ques. Do you know who represented Leary in connection with getting the contract?

Ans. No. I would not know anything about it.

Ques. Why, who represented him before the City Council?

Ans. He was there himself.

Ques. How long was this before the election?

Ans. I think that was somewhere along the latter part of November.

Ques. When the city gave him the contract was about the latter part of November? Ans. Yes, or the first of November.

Ques. Then you never had anything to do with anybody after that in connection with it? Ans. With what?

Ques. With the docks or the contract either one?

Ans. Oh yes, I have tried to work the thing up as far as I could to help out St. John.

Ques. Then the city having given the contract, who did you try to work it up with? Ans. With the the members of the Council.

Ques. Yes, but they had given it already?

Ans. Yes, but there was a falling off after that.

Ques. There was a falling off?

Ans. With some of the members.

Ques. (Hon. Mr. Pugsley). That was after the election?

Ans. No, before the election.

Ques. (Mr. Hanington). Then you tried to canvass it up as well as you could? Ans. Yes.

Ques. And you continued to do that until the contract was let by the Government?

Ans. Well, \$10,000 was granted by the City about the last of November I think, and then the next vote came up in the Council was about some plans of another dock.

Ques. That is where the falling off came, is it—by the members of the Council on these new plans that came up?

Ans. Well, the next canvass before the Board was whether the plans should be accepted.

Ques. Or whether they should stick to Leary?

Ans. No, that was not the question.

Ques. Was not the question whether you should take the new plans or stick to Leary? Ans. No, not exactly that.

Ques. (Mr. Wilson). There were two propositions before the Council to build the dock? Ans. Yes.

Ques. (Hon. Mr. Pugsley). Were there not three different proposals.

Ques. (Hon. Mr. Mitchell). What were the three proposals?

Ans. Mr. A. A. Stockton had one, Mr. Leary and Mr. Robertson, I think.

Ques. (Mr. Hanington). Which of the three did you advocate?

Ans. The Leary dock.

Ques. That was the Leary contract was it not? Ans. Yes.

Ques. Did you contribute to the election fund in St. John?

Ans. No.

Ques. Did you know of any arrangement for contribution by any members to a fund of \$1500 sent to York? Ans. No.

Ques. You had nothing to do with any paper or anything connected with the fund or anything of that kind?

Ans. No, nothing to do with it at all.

Ques. Directly or indirectly?

Ans. No, nothing at all only what I heard on the street.

Ques. Did you know on the day the contract was signed that it was signed—were you informed of the fact?

Ans. I have been trying to remember since I came up here, but I cannot call to memory that I did know the day it was signed.

Ques. Were you at the meeting in the Institute?

Ans. Yes, but I did not know the day it was signed.

Ques. You had no conversation on the subject as I understand it except with Quinton? Ans. That is all; just a few words.

Ques. You never saw or spoke to any member of the Government or them to you on the subject of the Leary contract or dock?

Ans. Only after the contract was signed I had a little conversation with McLellan.

Ques. Before the election? Ans. I think so.

Ques. What did he tell you? Ans. Only that the dock was signed.

Ques. When was that—a day or two before the election?

Ans. I don't know whether it was Friday or Saturday before the election. I think Saturday. He stated to me it was signed.

Ques. Did he tell you they were going to try and get an additional subsidy for it?

Ans. Well, I don't remember whether he stated that or not, but it was kind of understood that the Government would contribute some more—about \$7000 altogether.

Ques. Did McLellan tell you that then?

Ans. He might have said so; I don't remember clearly about that.

Ques. Did not he tell you that the members of the Government had agreed to do it?

Ans. No, I never understood it in that way, that they had agreed to do it.

Ques. As members of the Government?

Ans. No, I never understood there was any agreement about it.

Ques. Well, that it was understood that the Government would do it or try to get the Legislature to do it?

Ans. Well, I think that was stated somewhere in the Institute that the Government were willing if the House would allow it to grant \$7000.

Ques. But did not McLellan himself give you to understand that on Friday or Saturday before the elections?

Ans. I would not be positive; he might have, but I don't remember it.

Ques. I think you never saw the contract yourself? Ans. No.

Ques. Did not McLellan tell you that if he was elected and the Government were supported in the Province, he had no doubt they would get up to \$7000?

Ans. I don't think he said that to me. I cannot remember any conversation of that kind.

Ques. What did he say?

Ans. He merely said the contract had been signed; that is about all there was about it.

Ques. Did not he tell you about the clause in the contract?

Ans. No, never told me what was in it. He said the contract had been signed by the Government with Leary for \$2500.

Ques. That was on Saturday? Ans. Yes.

Ques. Did not he tell you that they had agreed, if they could, to give him more?

Ans. No, he did not say anything about agreeing; but he thought they might give him more when the House met, that is all, because I think he was very careful lest the Government should put themselves into a fix before the people.

Ques. Well, you were a friend of his in the election? Ans. Yes.

Ques. Did he not give you to understand that it would depend on whether the Government had a majority or not as to whether the additional subsidy was given? Ans. No.

Ques. Had you anything to do with the election fund and its distribution in St. John for the Government ticket?

Ans. Yes, I think I had.

Ques. Were you one of the Executive Committee? Ans. No.

Ques. You did not know of this money being taken out of it and sent to Fredericton?

Ans. I did not know anything about the fund whatever.

Ques. Well, that is what I meant by asking had you anything to do with the distribution of it?

Ans. No, I had nothing to do with the fund at all.

Ques. I mean with the distribution of the fund in St. John?

Ans. No, I was not on the Executive Committee, and knew nothing about it.

Ques. You say you had no conversation with any member of the

Government on the subject of the dock or the Leary contract in any way at any time? Ans. No.

Ques. Did you know that Mr. Murray, ex-Consul, was acting for Leary about this matter at all?

Ans. No, I did not know that he had.

Ques. He had no communications with you on the subject?

Ans. No.

Ques. (Mr. Pugsley). All that you did, I presume, you did in the discharge of your duty as an Alderman?

Ans. Yes, and as a citizen.

Ques. As a citizen and an Alderman, you were of the opinion that it was very much in the public interest that these works should be carried on?

Ans. That was my opinion, and that is why I wished to see the dock and improvements built.

Ques. You are a practical wharf builder, are you not?

Ans. Well, I can do most anything from ship building down.

Ques. (Mr. Hanington). Had you any arrangement or understanding or personal interest in the contract or in the getting of it?

Ans. None whatever.

Ques. There was no arrangement or understanding between you and Leary or anybody that you should have any interest from it?

Ans. None whatever.

Ques. Or any contract or works in it?

Ans. No, I had no more interest in it than any citizen would have.

Ques. (Mr. Pugsley). I will ask you whether at the time the feeling as far as you observed was not very widespread over the community that it would be in the public interest that this contract should be accepted and the subsidy given to Mr. Leary. I mean at the time the matter was pending before the Council?

Ans. I don't hardly understand the question.

Ques. Was there not a very general feeling in the Council and outside the Council that it would be in the public interest that these works should go on providing Mr. Leary's plans were satisfactory?

Ans. Certainly, 19 out of 26 voted for it.

Ques. And the people outside?

Ans. Were of the same opinion—the same feeling.

Ques. (Reading letter from Hon. Mr. McLellan published in the Globe on January 4th). Do you remember whether you saw that

letter when it came out? Ans. I saw it in the paper when it came out. The Mayor told me he had the letter and I think he read it.

Ques. Before it went into the paper? Ans. I think so.

Ques. As an Alderman, did you understand from that that the contract had been signed, and that the subsidy had been awarded to Leary? Ans. Not at that time.

Ques. From that time onward, did you not understand Leary had the contract?

Ans. Well, I understood it was binding on the Government, and that was what the Mayor understood at the time, because we had different conversations at the time. The Mayor thought it was binding on the Government, and they could not get over giving the subsidy.

Ques. (Mr. Hanington). Well, did you think it was binding?

Ans. I did; I thought they could not get over it.

Ques. You say from that time it was always understood that Leary was to have this contract from the Government. Now, sir, don't you know that between the 3rd of January and the 17th there was a very strong feeling that the Government might not put it in a position to be carried out — would not give any increased aid?

Ans. No, I think it was understood by the members of the Council, as far as I am concerned, that that was binding on the Government, and they could be compelled almost to give the subsidy.

Ques. Now, was not the reason that was understood — was it not understood in the country that the Government might not do it?

Ans. No, I never heard that they might not do it; I always heard it said they might give it.

Ques. Might give the increased subsidy?

Ans. No, the \$2500.

Ques. But you knew Leary would not complete the dock on that?

Ans. No, I did not.

Ques. Did not he represent that he had to have \$10,000 from the City, \$10,000 from the Dominion and \$10,000 from the Province for twenty years?

Ans. I never understood it in that way at all — that he would not go on if he did not get the \$10,000 from the Local.

Ques. Well, if he did not get the increased subsidy?

Ans. Oh, he expected to get a subsidy from the Dominion as well as the Local.

Ques. Was it not understood that he would not build the dock

unless he get an increased subsidy beside the City subsidy and \$2500 from the Province? Ans. I never understood it that way.

Ques. Then you understood that he would build it for those sums and not any others?

Ans. Oh, the Dominion Government was expected to give a subsidy.

Ques. With the City subsidy and \$2500 from the Local Government, you thought he would finish those works?

Ans. Yes, with the Dominion subsidy too. That was expected.

Ques. Was it not generally understood that Mr. Leary would not go on with the works if he only got the city subsidy and \$2500 from the Provincial Government?

Ans. All that I can answer for is my own opinion. I am of the opinion that Mr. Leary would go on with the dock.

Ques. With only the city grant and \$2500 from the Local?

Ans. I could not say for that, because he expected to get the Dominion subsidy.

Ques. You say you can only give me your own opinion. You gave Mr. Pugsley public opinion as to what was binding on the Government, readily enough?

Ans. Because that was in writing. I said by the Mayor and the members of the Council they were considered bound.

Ques. You said there was a general feeling?

Ans. Of the members of the Council, I said.

Ques. You, as a Councillor, were of the opinion that Leary would go on with that dock upon getting the subsidy from the City, the \$2500 from the Province, and the \$10,000 from the Dominion?

Ans. Yes.

Ques. Then, sir, did you not use your efforts to influence the Provincial Legislature to give him more? Ans. No.

Ques. Did you not influence Quinton to get more? Ans. No.

Ques. And did you not refer in your evidence to the advisability of the Government giving an additional subsidy?

Ans. I said I had heard in the Institute that the Government would favor that by making it \$7000.

Ques. And did you not use your influence to get the Government to do it? Ans. No.

Ques. Did you not with their supporters?

Ans. I might have outside.

Ques. Well, I say outside? Ans. Yes, I may have.

Ques. You did? Ans. Yes.

Ques. You used your influence to get the Government supporters to press for an additional subsidy upon the Government of this Province?

Ans. No, I did not. All that I asked for was the \$2500. That was all I was after. That is all I knew the Government could give.

Ques. Did not you urge them if they possibly could to give more?

Ans. No, I never did.

Ques. Nothing on that subject? Ans. No.

Ques. Then you never thought the Provincial Government ought to give more than \$2500?

Ans. I believed they ought to give more.

Ques. You believe that in the face of the fact that Leary would go on with it although he got no more?

Ans. Yes, I believe he would go on without it.

Ques. And finish it? Ans. No doubt he would start and finish it.

Ques. Although he would start and finish it for the \$2500, yet you wanted the Province to give him more?

Ans. Yes, I believe he ought to have more.

Ques. If he would do it for less how could you wish that the funds of the Province should be taken beyond what is necessary to secure the works? Ans. I thought they were not giving him enough.

Ques. Do you tell me now you had no interest in the business?

Ans. I do.

Ques. And yet you advocate giving Mr. Leary more than would secure the performance of the work? Ans. I did not advocate it.

Ques. Did you canvass for the Government in the election?

Ans. Yes.

Ques. Were you anxious to see them supported?

Ans. Yes, I never like to see my own side beat.

Ques. You did all you could for their success? Ans. I did.

Ques. (Mr. Phinney). Do you say that you felt that Mr. Leary was prepared to go on with the contract if all he got was \$2500 from the Local Government, including the other appropriations?

Ans. Yes, with the other appropriations.

Ques. And that was all he would expect?

Ans. Well, I thought he would go on with that with the expectation of getting more at some future day.

Ques. Why should you think he would have an expectation of that?

Ans. Well, the Government gave him to understand that if the House would give more, the Government would give more.

Ques. What members of the Government said that?

Ans. Mr. Blair in the Institute said that if the Legislature was in favor of it, he would make the subsidy larger.

Ques. On that account you used your influence to get the subsidy larger? Ans. No.

Ques. Did you speak to Mr. Blair about it? Ans. Never did.

Ques. Don't you know that there is a stipulation in the contract that he is not bound to go on with it unless he gets a further amount than the \$2500? Ans. No, I never saw it.

Ques. Did you never read the contract? Ans. No, I never did.

Ques. (Reading the contract).

Ans. I did not know that there was an expectation of further aid in the contract.

Ques. Is this the first intimation you have had that there was an expectation of Mr. Leary for further aid, and that his contract was based upon that?

Ans. That is the first time I ever heard it was in the contract.

Ques. Did you never make an inquiry to find out on what basis the contract was made?

Ans. I did not know any way of finding it out.

Ques. Did you see it in the public press?

Ans. I don't recollect seeing it in the press.

Ques. Did you not understand that that was the basis of the contract?

Ans. No, I thought the basis of the contract was the same as the City had made.

Ques. Do I understand you that the interest you took in this matter was solely in the discharge of your duties as a public man?

Ans. And as a citizen.

Ques. Were you not a very warm supporter of the Government in the last election? Ans. Certainly I was.

Ques. You knew there was an election fund in St. John?

Ans. Well, I suppose so; every other election they always have a fund.

Ques. Well, I don't mean as to general knowledge, but did you know yourself that there was a fund?

Ans. I did not till after the election; I did then.

Ques. Were you not particularly interested in the contributions to that fund?

Ans. I was a little interested in it when we came to wind up the affairs.

Ques. Do you know where the funds came from?

Ans. No.

Ques. Don't you know where these funds came from?

Ans. Do you mean who paid this money in?

Ques. I want to know if you do not know where the Government election fund for St. John came from, and who contributed it?

Ans. No, I don't know where it came from, nor who contributed it.

Ques. Were you on the Executive Committee? Ans. No.

Ques. Who were the members of the Committee?

Ans. I don't know anything about any money matters at all, where they came from.

Ques. (Mr. Hanington). Did not you say a while ago that you had something to do about it afterwards?

Ans. After the election there were some few things that wanted fixing up.

Ques. (Mr. Phinney). How was the election fund raised in St. John?

Ans. I don't know; I know nothing about matters of money; where it came from, or who gave it.

Ques. Who were the parties that had charge of it?

Ans. I did not know that. I did not know any of the committees nor anything about them.

Ques. (Hon. Mr. Mitchell). Was that statement you refer to as having been made by Mr. Blair, made on the public platform?

Ans. Yes, in the Institute.

Ques. (Dr. Atkinson). Who did you get the money you used from? (Objected to—Irrelevant).

Ques. You said you did not know where any part of the money came from?

Ans. I don't know who paid it, or who put the money into the fund.

Ques. You know who you got the money you used from.

Hon. Mr. Pugsley objects to going into details of St. John election.

Mr. Wilson—And there is no evidence that he used any.

Mr. Phinney— I think it is quite proper to go into details of the St.

John election fund in consequence of the connection it has with the York election fund and the appropriation of this \$1500. If this election fund in St. John was made up by Leary and his friends, it would be an ingredient in the inquiry.

Mr. Wilson — That is not the question. He asked him where he got the money that he used.

Dr. Atkinson — This inquiry is for the purpose of tracing back where the money came from.

Hon. Mr. Mitchell — I think it is objectionable.

Mr. Hetherington — I think it is an absurdity to inquire into any man's private business.

Mr. Wilson — It is ruled out.

Ques. (Mr. Hanington). You said that after the election was over you had something to do with it? You said you had to fix something up after the election in connection with the election. Did you fix it up with cash or a note? (Objected to — Irrelevant).

Mr. Hanington — I have a right to know, and I propose to inquire now, if it was cash, how it was raised, and if by paper that went into the bank whether it was not payable in about sixty days.

Mr. Phinney — I think we will let that rest.

Mr. Hetherington and Mr. Mitchell concurring, the question is ruled out.

Ques. (Mr. Hanington). Do you not know that to raise election funds in St. John notes were floated, discounted in the bank at about 60 days, and that they had gone to dishonor, and Mr. Leary and his friends had been asked to provide for them? (Objected to).

Ans. I know nothing about them.

Mr. Hanington applies for subpoenas for James C. Robertson and Dr. F. E. Barker.

Hon. Mr. Pugsley submitted that the Committee would not be justified in putting the Province to the expense of sending for witnesses unless they were informed of facts which would convince them that they had material evidence to give on the subject of this charge. Two witnesses had been produced here to-day who had not given a tittle of evidence to prove the charge. He thought the time had now come when Mr. Blair should have the opportunity of going upon the stand,

Mr. Hanington. — I have not the slightest objection to his going on the stand now.

ANDREW G. BLAIR *Sworn, Examined by Hon. Mr. Pugsley:*

Ques. You are Attorney General of the Province and leader of the Government? Ans. Yes.

Ques. I wish you would state the history of matters connected with the dry dock and the building of the dry dock in St. John as far as they have come under your notice as a member of the Government?

Ans. My first knowledge as a member of the Government in connection with any application for the dock subsidy was when an application came from a company organized in St. John. That was in the year 1888. It was the company with which Mr. Hurd Peters was connected. We had one or two delegations before the Government on the subject and the delegates were Mr. Hurd Peters and Mr. A. A. Stockton. The application was considered by the Government and the conclusion which we arrived at was that while we were as a Government under obligations to give the \$2500 a year by virtue of the Act of 1882, since we had given the other subsidies to the companies that were named in that Act, yet we ought to exercise a careful discretion in the giving of the contract. We ought to be assured that the company was able to carry the work on. We also entertained an objection to the composition of the company which was then applying for the contract, and I think we specified in the Order-in-Council some of the objections which we entertained. The company as organized—the Directors or Board of Management consisted I think of Mr. Peters his son-in-law, Albert J. Gregory, Mr. R. O. Stockton, Mr. Thompson and I think Dr. A. A. Stockton. Well, we felt that these gentlemen were not going to put any money into the enterprise, and that members of the Legislature ought not to be mixed up in the enterprise at all, and we intimated to the company that we would require them to reorganize their board so as to take in a number of business men—shipping men—men of means and capital in St. John, to show that there was something behind the enterprise before we would be justified in giving the contract to them. An Order-in-Council was passed bearing date the 21st of December, 1885, following the application to which I have referred. This is the Order-in-Council:

“IN COUNCIL, 21st DECEMBER, 1888.

“*Present:* His Honor the Lieutenant Governor.

“The Committee of the Executive Council having read the petition with the accompanying documents, submitted by the Saint John Dock

Company, a company incorporated under an Act of Assembly of this Province, praying that an order might pass by the Lieutenant Governor in Council for a contract to be entered into between the Government and the Dock Company for the payment of the subsidy of \$2500 for twenty years, under the authority of the Act 45th Victoria, Cap. 34, and having heard the President of the Company, Hurd Peters, Esquire, and others who addressed the Committee, it is observed that a large number of the Board of Directors of the Company who appear to be the only stockholders, are not gentlemen who are at all identified with the shipping interest of the port of Saint John or of the Province, and some of them, it is perceived, are at present members of the Legislature.

"The Committee have no objections to make to the individuals comprising the Board of Directors, but there would be a larger degree of confidence on the part of the public in this particular enterprise, if, at least, a considerable portion of those who are promoting it were interested directly in the shipping of the port, and the *bona fides* of the Government in entering into a contract for the payment of the subsidy would be less open to criticism, if the members of the Legislature were not connected with the governing Board, nor in fact had any personal interest in urging upon the Government compliance with the Company's application,

"It is therefore recommended that the company be advised that while willing to aid to the extent of existing Legislative authority in the construction of a Dry Dock in St. John, as a work having claims upon the Government and as being likely to promote the business interest of the port to a very large degree, it is not deemed advisable by the committee under the circumstances to which reference has already been made, that an order should pass at present for a contract as prayed for by the petitioning company.

"Recommendation approved."

I believe that acting upon this suggestion there was some movement made to reorganize the company, and that some two or three gentlemen went out and two or three others came in, but we had no further pressing application if indeed any at all—I don't call to mind now that any further application at all was made—but at all events no pressing application was made to us for a subsidy and the matter seemed to drop until the excitement arose in St. John following the election about the commission. I will state very briefly what occurred in that con-

nection. The excitement which occurred in St. John and which led to the action of the Common Council, as far as the Government was concerned culminated in an application made to us on behalf of the Common Council and Mr. Leary. The Government was met by a delegation composed of the Mayor and members of the Common Council.

Ques. (Exhibit). Is that the application the Council made?

Ans. I think so; the date (December 14th) corresponds with the time the committee met us. They met a committee of the Executive Council. The delegation consisted of the Mayor and Aldermen Peters, Kelly, Baskin.

Ques. Was Alderman Peters up here? Ans. I think so.

Ques. (Hon. Mr. Mitchell). They said yesterday it was Lewis?

Ans. Well, I think it was Ald. Peters. I have a very distinct recollection of him addressing us in the Council room. But if he says he was not here of course I am in error. And Alderman Connor and Mr. Leary. I had no private conversation with them at all, or with any individual member of the committee or with Mr. Leary. These gentlemen advanced all the reasons which occurred to them in favor of their application and they urged very strenuously that the Government should then and there agree to enter into a contract. I felt myself and so stated that I thought they were unduly pressing us, and I said we must have time to consider the matter. I said: It is all very well that the Common Council of St. John have agreed to give a contract but we cannot be entirely governed by that.

Ques. Do you remember as to whether when they first presented it the application was in writing?

Ans. No, Mr. Leary's application was not in writing. I then and there said to Mr. Leary: We have not any formal application from you nor memorial; we don't know what you propose doing, and I think you ought to state in writing what you are proposing to do for which you ask us to enter into this contract.

Ques. Have you there a copy both of the memorial and the application of the City Council? Ans. Yes, here it is.

Ques. The memorial was put in writing in accordance with your suggestion?

Ans. Yes, in accordance with the suggestion I made at the time. I was about to say that one or two of the Aldermen insisted that they should get an answer that night to the effect that we would give them

the \$2500 a year. I felt that the demand was very unreasonable, and I said so. I said I thought they ought to recognize that the Government must act upon its own discretion and judgment in the matter and could not be guided entirely by the action of the City Council—that while the Cabinet would be largely influenced by the action of the Council, still they must consider the matter upon its merits as a Government, and we would do so at the earliest possible moment. I assured them, and the other members of the Executive I think assured them, that we would give the matter early consideration; we knew that they were pressing and that the Common Council was very anxious that something should be done at once, and we would not waste any time about it—and neither we did.

Ques. What time was the delegation before the Council?

Ans. It was in December. If I were to give my impressions it would be that it was the 14th because this document which Mr. Leary drew up while here bears that date. He left it with the Secretary or some member of the Government before he went away. We proceeded to the consideration of the matter at the earliest moment practicable, and on the 30th of December we passed an order—or rather I should say a minute of Council had been previously passed, and on that date it was approved. The Council is ordinarily two or three days in session and the minutes which have passed the Council are all approved at the close of the session by the Governor, and therefore it would be correct for me to say that we probably passed the order before the 30th, as far as the action of the committee of the Council was concerned.

Ques. Was this order finally approved by the Governor on the 30th of December?

Ans. It was—but I had forgotten to speak of another application. Before we received an application from the Mayor and Common Council of St. John and Mr. Leary, we had a delegation wait upon us from another company or organization. The delegates were Messrs. James C. Robertson, Mr. Skinner and a gentleman by the name of Van Slooten. These gentlemen pressed us very strongly to entertain their application favorably. They said they had either organized or were about organizing a company for the purpose of constructing a dock, that they would be able to satisfy us of their ability to construct it, and they mentioned that Simpsons of New York, the dock builders, were the persons with whom they were in connection, or at all events upon

whose plans they were proposing to work. This was before the Common Council delegation waited upon us. We said to them that we would consider their application and the matter was deferred and that application came up at the same time the Leary or Common Council application came up. And this is the Order-in-Council I was going to read :

“ IN COUNCIL, 30TH DECEMBER, 1889.

“*I resent:* His Honor the Lieutenant Governor.

“ The Committee of the Executive Council having had under consideration the several applications of Jean Felix and others and of James D. Leary asking for Provincial aid toward the construction of a dry dock and the building of wharves and warehouses and furnishing terminal facilities at the port of St. John, and likewise the memorial of the City Council, stating that the Council had made an appropriation of ten thousand dollars per year for twenty years, in aid of such dock and other harbor improvements, and urging that the Province should grant a similar amount ;

“ The Committee recognize the great importance of the proposed works, both to the City of St. John and the whole Province ; under existing legislation, however, the Government is authorized to grant aid toward the construction of a dry dock only to the extent of twenty-five hundred dollars per annum for twenty years, which amount the Committee are of opinion it would be in the public interest to grant provided the subsidy is based on a percentage of the cost of the works.

“ The Committee, therefore, recommend that the Provincial Secretary be authorized to enter into a contract for the granting of Provincial aid toward the construction of a dry dock in Carleton, in the City of Saint John, to any person or company willing to construct such dry dock (and provided sufficient evidence of his or their financial ability to complete the same be furnished) to amount of one-half per cent. per annum of the cost of such dock for a period of twenty years (the amount of such subsidy not, however, to exceed the sum of twenty-five hundred dollars per annum for such period of twenty years) and provided that the plan and specifications of the proposed works be first approved by the Governor-in-Council.

“ And it is accordingly so ordered.”

We concluded to change the grant in that way making it one half per centum per annum upon the total cost because we did not see our way clear to having any guarantee that the cost of the work would be \$500,000 as Mr. Leary and these other gentlemen represented. They had represented that they would expend that amount and in order to make sure of that expenditure—of the expenditure being *bona fide* made to that extent upon these works, we concluded to draw the proposal in such a way as to make our subsidy one half per centum upon the whole cost. If the cost did not amount to that their subsidy would amount to a lesser sum, and we passed that minute on the 30th of December.

Now, that closed my connection with the dock business except this: A few days after the Council adjourned (I had reason to believe, from a letter which I have seen since, that it was the 3rd of January—my own recollection was that it was within two or three days after the closing of the session of the Council) I had a telephone message from Mr. McLellan, then Provincial Secretary, stating that the Common Council were urging very strongly and strenuously, and there was a strong public opinion in St. John insisting upon the Government entering at once upon a contract with Mr. Leary for the dock. I think he mentioned to me that the Mayor was right then in his house at the time he telephoned to me, and he wanted to know if I would give my consent, as the Order-in-Council had passed, to a contract being signed with Mr. Leary. I talked it over with him and gave my consent to his executing the contract.

Ques. That was done by telephone?

Ans. By telephone and I am quite well assured that it was the third of January. I said: I am going to be busy in the election; you can get the Solicitor General to draw it up; he knows the views of his colleagues in the Council. Of course even after the Orders-in-Council do pass authorizing these things it is customary for the leader of the Government to be spoken to before the papers are actually executed, and Mr. McLellan in accordance with that usage asked me if I would give my consent to his signing the contract, which I gave him then and there. I heard not another syllable about the dock contract or dock business as far as I can recollect or recall in any way, until a letter came to me from the Solicitor General enclosing a draft of a contract between Leary and the Government. The Solicitor General asked me if my memory serves me right (I have lost the letter and cannot find it

which accompanied the draft) to look over it and let him know whether its terms were satisfactory and return it to him. I received the letter in the hurry of the election, my mind engrossed with everything else but dock contracts, and I did not even open the draft or read it. That with other correspondence that was accumulating was laid aside. I went into the country and never thought of it again until I was reminded of it by the Solicitor General at Harvey on the evening on which I was to speak there. How many days that contract remained—the papers remained unattended to I could not say; it would be wholly impossible for me to say; it passed entirely out of my mind until I was reminded of it. And I will state to the Committee the circumstances under which I was reminded of it.

I had been requested in the early part of the campaign by the Provincial Secretary to address a meeting in the Institute in St. John in connection with the election. I had consented to do so and a date was named for a meeting that would be early, I think in the first week or ten days of January. I remember the evening that was fixed for it was a Wednesday evening—I think in the first week of January, or it may have been in the second. But at all events it was Wednesday. I made my own appointments for meetings so that I could be in St. John on that evening, and on the Monday preceding the Wednesday I received a message—I was then up in Keswick—to the effect that they had changed their arrangements; that they would not have the meeting on Wednesday night in St. John. This was from the Secretary; he had telegraphed to my office, and they had telegraphed it to me either in my son's name or that of Mr. Barry, or else the Secretary's telegram had simply been repeated. It stated that they had cancelled the arrangement and would fix a later evening. Of course this threw me out somewhat; I lost the evening practically, but I heard nothing further about it until Sunday, which would be the 12th of January; the Sunday preceding the election was the 19th and this Sunday would be the 12th. On Sunday, the 12th, the Secretary telephoned me from St. John to know whether I could come down to St. John on Friday evening and speak there on that evening. I replied to him that I could not say; that I doubted if I could; I thought probably my notices had gone out for meetings all through the week, and if they had I could not cancel an engagement without perhaps serious loss in the locality. However, I said to him by telephone: I will inquire in the morning; I will go to the office the first thing in the

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morning and find out whether my notices have been posted, and if the notices for Friday evening have not gone out and I can go, I will telephone you. I did not engage to telephone him if they had gone, but only if they had not, because I thought he could make his own arrangements; he would assume that I could not go not getting word that I could. I found next morning that my notices had gone out and I was engaged to speak at McAdam Junction on Friday night, so that I did not telephone him I could go and I supposed the matter was off and they would not expect me.

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The next thing I knew or heard the Solicitor General came up on the train and met me at the Harvey Station. I had a meeting at Manners-Sutton that night, and on Wednesday evening he came up on the train a few minutes before I was going off to attend my meeting. He told me his object in coming up. He said his object in coming up was to prevail on me, if possible, to go down and speak in the Institute on Friday night. He said they had announced the fact that I intended to speak; that they had published a notice of it, and not being able to get any word from me, his friends there had urged that he should come up and see me on the subject and try to prevail upon me to go down. He said it would be a great disappointment to the friends in St. John if I did not go down and they would probably charge me, the notices having gone out and the meeting being announced, that I was afraid to go down. Well, I said I would be very sorry that they should think that, but I did not see how I possibly could do it; I did not think it would be fair to my friends or the gentlemen running with me if I should go down, and further than that I would have to disappoint the people at McAdam Junction. Well, the Solicitor General said, our friends are so very pressing upon the subject that they authorized me to say that if it would be any inducement at all to you they would assist you in a contribution towards election expenses. They said they would make up at least \$1000 for us (this is the whole story) and perhaps would be able to do a little better, but they would do that if I would go. Well, I said, I appreciate their kindness very much, but I cannot promise you to-night that I can do so; I will have to think it over, and I will have to try and see some of my leading friends at McAdam Junction, as I am going off in the morning early, and will let you know. That was the best promise I could make to him. I said I would try, if it could be accomplished. I think that was all that took place on the subject in connection with the

contribution. The Solicitor General asked me if I had got the draft of the dock contract from him? I said I did not remember very distinctly; had he sent it to me? He said he had, and I said if you sent it to me I am satisfied I must have got it, for I was home on Sunday. Did you send it before that? He said he had. Well, I said, there is only one thing I can do about it; I can send a telegram to Mr. Barry to look among my papers, either at home or in the office; my correspondence will be either at one place or the other, and I could not say which; I don't know where I left it, but he will look it up and I will have him return it to you. My own impression is that I did not send the telegram to Mr. Barry, but authorized the Solicitor General to send it in my name to Mr. Barry for that purpose. That is my present recollection. I do not think I sent it myself or wrote it. But I told him to describe the letter; he would know how to describe the letter, so that Mr. Barry could identify it and to request him to send it down, which he did. I went next morning to try and see some of the folks at McAdam as I was going through, and the earliest possible moment after that I wired to St. John to say that I was going down.

Ques. That would be on Thursday?

Ans. Yes, that is my impression as near as I can recollect. Before I wired I got some telegrams urging me to come, saying that they were making personal charges against me in St. John, as an additional reason why I should go down. I went down to St. John on Friday.

Ques. Where were you when you got the telegrams urging you to come down? Ans. I think at Canterbury Station.

Ques. You went down by what train on Friday?

Ans. The C. P. R. train reaching St. John in the afternoon. I spoke at Canterbury Station on Thursday night; I got there about noon or one o'clock and spoke there that night, and Friday morning I went right through by the C. P. R. and got to St. John about three o'clock or something like that.

Now, I want to say that no man on behalf of Mr. Leary, no man representing Mr. Leary, directly or indirectly, no man in any way, shape or fashion ever suggested to me that Mr. Leary was going to make a contribution to the election, or would make any contribution towards the election, or had made any contribution to the election, or directly or indirectly in any way suggested to me that Mr. Leary or any of his friends were paying any consideration towards the securing of

this contract. No live mortal man directly or indirectly ever hinted such a thing to me in this transaction from the beginning of it to the end.

I want to say a word about the Leary telegram. The Leary telegram was read at the Institute while I was on the platform that night. The reading of it was the first knowledge that I had that such a telegram had been received; when it was read by the Provincial Secretary it was then my first knowledge. He had not shown it to me; I had not seen it or heard of it. I sat there after resuming my seat; the Provincial Secretary got up and read this telegram to the meeting, and I then heard of it for the first time.

Ques. I will ask you whether there was any understanding or arrangement of any nature, kind or description made with you or with your knowledge under which Mr. Leary was to contribute to the elections? Ans. No.

Ques. Or by any person acting on his behalf? Ans. None; none.

Ques. Either directly or indirectly?

Ans. None. I heard of it for the first time when this thing was mooted here since the opening of this session.

Ques. And you say that your telephoning to the late Provincial Secretary in answer to his message on the third of January, was in accordance with the Order-in-Council which passed on the 30th of December?

Ans. Entirely so. I assumed as anybody would assume that there was a good deal of feeling in St. John; a good deal of anxiety about this, and that he would naturally desire to have the matter closed up as soon as possible, and I put no obstacle in his way. I would sooner as I explained to him, that the matter should stand for further consideration, but he was pressing and naturally pressing and I gave my consent.

Ques. Can you tell me about how long a time elapsed from the time Mr. McLellan telephoned to you on the 3rd of January, till you replied to him saying you were willing?

Ans. Why, the conversation between us did not extend over 3 or 4 or 5 minutes. I was not five minutes at the telephone and he did not leave it till I gave my consent, and unqualifiedly and unconditionally.

Ques. You state that on that Wednesday evening I informed you that some friends in St. John talked of contributing something to assist you in York?

Ans. Well, what you said was that our friends had said that it would be any inducement for me to go out of my own county and go

down to St. John they would appreciate it and they would be willing to assist towards the expenses of my election and help me in the election towards the election expenses to the extent of at least \$1000, and that they would do a little better if they could.

Ques. I will ask you whether that was the first intimation or the first reason you had to expect that any assistance would be received from outside?

Ans. The very first. I had never asked it; I had never expressed any wish for it; that was the first intimation that I had in any shape, manner or form.

Ques. I will ask you whether or not in connection with that, Leary's name was mentioned at all? Ans. No.

Ques. (Hon. Mr. Mitchell). Or the dock?

Ans. No. There was no connection between the two in any shape or form. It was never suggested to me, and I don't think anybody would have suggested it to me.

Ques. It would not have been very safe?

Ans. Well, nobody ever did make a suggestion to me of the kind since I have been in public life.

Ques. (Hon. Mr. Pugsley). You stated that you spoke in the Institute on that Friday night? Ans. Yes.

Ques. Did you make any reference, do you remember, to the question of the Government asking the Legislature to give further aid?

Ans. Yes, I did. I will tell you just how. I had been asked a question, when I was addressing a meeting at Stanley, by one of the persons present as to what the Government proposed to do in the way of giving further assistance towards the dock and harbor improvements in saint John. I said this: That the Government would be willing — I made a very guarded reply as I thought — I said that the Government were only authorized to go to the extent of \$2500; that they had gone that far, and whether they would go any further or not depended altogether upon whether the Province was in a position to do it, as we thought, and if after consultation with our friends in the Legislature, and conferring with the members, they felt disposed to do it. I spoke in a plain and most unambiguous way as to our taking counsel with the members supporting us in the Legislature before I would commit myself in any way to any definite pledge on the subject, while anxious to help the project forward. That statement was misreported and misquoted, and I found that the *Sun* newspaper had been giving that misreported version, the erroneous version of it, and that there was a

very great deal of excitement in St. John over what was assumed was my positive and unqualified refusal to countenance or favor any further aid. That was the view they put forward.

Ques. (Mr. Wilson). There was an affidavit made to that effect?

Ans. Yes. A declaration sent to the press that that was my statement — a statutory declaration to the effect that I had said that I would not give further aid. Well, I did not say so, and on Wednesday evening when I was speaking at Harvey there was one gentleman present who had been at my meeting in Stanley, the Rev. Mr. Mullen, a Presbyterian clergyman, and a political opponent of mine, very strongly so, and I took occasion (he being present, without any previous communication with him at all, but while I was on the platform and seeing him in the audience) to call attention to the erroneous version of my remarks at Stanley, which had been put forward, and I read that version and I asked the Rev. Mr. Mullen if he would be kind enough to say whether I said that or this — and I went on to repeat as nearly as I could from memory what I said at Stanley, and Mr. Mullen was kind enough to get up in his place and say in that meeting that he felt it was his duty to say although not a friend of mine politically that what I had just given was the true version, and the version sent to the newspapers in St. John was not the true version, of what I had said. Mr. Mullen stated that publicly at my meeting there.

When I went to St. John I had scarcely got into the hotel before I began to be interviewed by leading citizens down there upon this very subject. I cannot recall all their names at the present moment, but quite a number dropping in one after another referred to this very matter of the report which had gone abroad as to my action and attitude toward further aid to St. John, and they asked me how I felt about it. Well, I said, gentlemen, I will make a statement from the platform to-night just how I personally feel on the subject, and I trust it will be satisfactory. I made that statement.

Ques. Outside of that public declaration, which you made in St. John, did you give any promise to any person or authorize anybody else to make any promise as to the Government giving further aid to the dock?

Ans. No, I did not. Most unhesitatingly I say not. No private individual received any assurance or any statement from me on the subject at all. No person representing Mr. Leary and no private individual whatsoever. I stated to these gentlemen when they called upon me and spoke to me on the subject in the hotel in St. John, that I would make a public statement from the platform which I hoped would be satis-

factory, and I made it. No, there is not a living mortal can say that I ever did.

Ques. After Mr. Leary and the members of the Common Council appeared before the Executive Council, did you see him subsequently to that? Ans. Mr. Leary?

Ques. Yes? Ans. Yes.

Ques. Where?

Ans. In the Queen hotel, and only once after he appeared before the Council. I was in the Queen hotel on the Sunday evening following. I was there in the Secretary (Mr. McLellan's room). I was there altogether a couple of hours and by the way that was the occasion when one of the newspapers said there had been a Sunday carousal in the Queen hotel. I went into the hotel in the evening after dinner and was not there a great while before all these gentlemen who had been before the Council, every individual one of them, came in — Mr. Leary, the Mayor, Aldermen Baskin, Kelly, Peters and Connor, and I don't know whether there were any others or not, but those were the ones that I remember. They all came in and came in together.

Ques. (Mr. Hanington). On Sunday?

Ans. On Sunday evening, and I had not a word of private conversation with Mr. Leary on the subject of the dock at all.

Ques. (Hon. Mr. Pugsley). You had not?

Ans. Not a word, nor with anybody else on the subject of the dock. I don't recollect at this moment that the dock was mentioned. I could not say that it was not for my memory is not perhaps to be depended on to that extent, but if there was anything said it was said publicly in the hearing of everybody—not a private syllable was uttered.

Ques. You say that from the 3rd day of January when you telephoned to the late Provincial Secretary that you were willing the contract should be given, that the matter passed out of your hands?

Ans. I presumed that was the end of it. I presumed as far as the Government were concerned that it was disposed of, and it passed out of my mind. As I say I felt that my own election matters were of so much importance that I did not go through and examine the draft of the contract which you sent me.

Ques. Did you ever suggest to Mr. Leary or anyone on his behalf or directly or indirectly authorize anyone to suggest that this contract should be given on condition that he should contribute to the elections?

Ans. No, never; never.

Ques. You say you never knew of his contributing?

Ans. Such a thought as that never entered my mind.

Ques. Did you ever know whether or not he contributed anything. Did you ever know of his contributing? Ans. Not a cent.

Ques. From the third of January you say that so far as you were concerned it was settled and understood that the contract should be given to Leary?

Ans. I took it for granted that all that remained was to have the agreement formally prepared and signed as far as I was concerned.

Cross-examined by Mr. Hanington :

Ques. You say that there was an application made to your Government at first that on giving this subsidy of \$2500 a year that they would construct the works. Well, was not that application also on this basis that they would not ask nor expect any pay whatever until it was thoroughly completed to the satisfaction of the engineer?

Ans. Yes, that was mentioned.

Ques. And that upon getting this \$2500 a year for 20 years, I think it is, then they would complete this work? Ans. Yes.

Ques. They were ready to enter into a contract with the Government for that purpose? Ans. Yes.

Ques. At that time you declined to give it for the reason that you have said? Ans. We did not decline to give it.

Ques. I think you did then, did you not?

Ans. We went into consideration of it at the earliest possible moment and by the 30th of December —

Ques. Oh, I am speaking of Stockton's application a year before?

Ans. We talked the matter over in Council. The minute of Council said that as the company did not represent the shipping interest —

Ques. You did not deem it expedient to make the grant until some change was made?

Ans. We felt that the gentlemen on that board had no thought of putting any money into the enterprise themselves, and unless they had gentlemen identified with them — men of capital — and we felt that men interested in the shipping of the port would be most likely to do that, we suggested that they should try to interest them.

Ques. Did not the company in consequence of that change their composition, and did not Mr. Howard Troop come into it, and some others?

Ans. Yes, I was given to understand either by Dr. Stockton or

somebody else, but I do not think that it came in an official way, that three of the members of that board were willing to retire and make way for three of the business men of St. John.

Ques. Did not they do it?

Ans. Whether they actually did it or not, I am not aware.

Ques. In other words you may have forgotten?

Ans. I am inclined to think that I did not know, or had not any official information of their having done so.

Ques. Are you sure of that?

Ans. No, I am not sure, but I am inclined to think so. I can say this, that no subsequent application came before the Government as far as my memory serves me, at all from that company as reconstituted, if it was reconstituted.

Ques. Then it got down to last fall, and it is in evidence that there were two or three competitive bodies in this matter?

Ans. Yes.

Ques. The delegations came up here and they urged you very strongly to agree with the contract to Mr. Leary?

Ans. Well, some of the Common Councillors insisted that that very night we should say then and there that we would give the \$2500 to Leary. I thought it was putting a pistol at our heads and said so.

Ques. The city had then agreed to give the contract to Leary for \$10,000 a year? Ans. They had.

Ques. And you gave them to understand you wanted to consider the matter before you would agree to any such a thing?

Ans. Yes, I pointed out to them that we could not deliberate here in their presence. The Council had got to talk the matter over and come to a conclusion as a Council. They expected that then and there we should get up in our places and say whether we would give them the contract or not. I was a little annoyed at their being so pressing. I was willing that we should do what we could to meet the wishes of the Common Council of St. John, but we ought to have some little opportunity afforded us of considering the question as an Executive.

Ques. Well, Mr. Kelly was one of those who were most pressing as he says. He said the contract should be given immediately to Mr. Leary?

Ans. Yes, for the \$2500. They were all pressing enough; they were all very pressing I thought. Probably he was about the last man that addressed the Council and each of them had been getting a little more pressing than his predecessor, and—

Ques. And the thing was getting a little too hot?

Ans. Yes, rather sultry.

Ques. That being so, then the Council afterwards passed the order that you have read on the 30th of December, which is that the contract should be given upon the basis of the \$2500 a year?

Ans. One half per cent. on the expenditure.

Ques. Not exceeding that, and nothing else? Ans. Just so.

Ques. And you consented that Mr. McLellan should announce that and that letter of his of the 3rd of January is on that basis?

Ans. We recognized this —

Ques. The authority you gave him was on the basis of the Order-in-Council?

Ans. They wanted \$10,000 a year from us, and we said all we could do, if we consented to do that, was to give a contract for \$2500, and if there is anything further to be given that matter can only be determined after we have consulted with the Legislature. The members of the Government were not unwilling to go as far as they could in helping the enterprise forward. We recognized that the \$2500 would not secure the building of the dock, but how much more we gave depended on the state of the finances and the feeling of our friends.

Ques. I am asking you this: The letter of the Provincial Secretary that he was ready to enter into a contract, referred to a contract based upon the then existent Order of Council, did not it?

Ans. Yes, so far as my consent went it was based upon the action of the Council and upon the feeling of my colleagues in the Council.

Ques. And that contract as then ordered by the Council was simply for \$2500?

Ans. That was all we had the Legislative authority to give.

Ques. And that is what the letter was published about?

Ans. Well, I did not know that a letter was being written. All the Secretary asked me about was as to whether I would consent to his engaging that the \$2500 a year absolutely should be given.

Ques. And any announcement of his readiness to sign that contract would be based upon the Order-in-Council then existent for the \$2500 a year?

Ans. Yes, and he also spoke—I think he mentioned in that same telephonic conversation—he may have spoken of being anxious to encourage the expectation of the Common Council that we would do something more for them if possible, but I would never commit myself to any definite pledge on the subject at all further than to assure them

that as far as I was concerned I was willing to help them forward to the extent of our ability and the wishes of our friends.

Ques. (Reading letter of Mr. McLellan of date January 3rd in Globe). Now, that letter had reference entirely to the contract then ordered by the Council?

Ans. Oh, that letter I presume was written, from the date of it, in consequence of our conversation, and because we were willing to give them the \$2500 at any moment.

Ques. But the Order-in-Council was for only \$2500?

Ans. That is all.

Ques. And that was the only contract the Secretary was authorized to declare would be entered into?

Ans. That is all we were authorized, and all we pledged ourselves to give.

Ques. It refers to the Order-in-Council passed by the Government; that must have been the one you read?

Ans. That is the only Order that had passed on the subject.

Ques. Now then, on the night of the 15th—Wednesday night, Mr. Pugsley came up to Harvey. Were you there? Ans. Yes.

Ques. He had the conversation with you that you detailed about the contribution to the funds, but did not he also tell you that it was a very important thing in St. John that the contract should be signed before the election?

Ans. I don't think he did. He may have; I cannot say he did not, because I can very well understand that it would be important, probably.

Ques. Well, if he did not represent that to you why did you telegraph in for your partner to send the contract down?

Ans. He wanted me to return him the draft contract which he had sent to me. I explained to him that I had not had time to look over it.

Ques. Did he not tell you that it was important to have the contract signed before the election?

Ans. Well, I cannot say that he did.

Ques. Was it not in consequence of that that you telegraphed for the papers to be sent to him?

Ans. I telegraphed, or rather authorized Mr. Pugsley to send the telegram. My impression is very strongly that he sent it for me, and that I requested him to describe it to Mr. Barry and tell him that it was either at my house or the office.

Ques. Was not that in consequence of his putting to you the necessity of having that contract signed?

Ans. He pointed out to me that the draft contract had been lying in my hands some days and that they wanted to have it returned.

Ques. And they wanted it signed, did not they?

Ans. I presume they wanted it signed.

Ques. Did he not tell you that Leary or his friends wanted it signed?

Ans. I do not think he did.

Ques. Are you sure? Ans. No, I am not.

Ques. But you don't remember that he did? Ans. I do not.

Ques. Any way you did have them sent down. Did you receive any telegrams up there in connection with this contract or the docks at all when you were at Harvey or Canterbury?

Ans. No. But I am perfectly willing everything I sent should be produced.

Ques. I am asking you whether you got any from St. John at Harvey or Canterbury?

Ans. I got nothing with reference to the contract at all either at Harvey or Canterbury. My mind was first drawn to this subject by Mr. Pugsley when he came up on the train.

Ques. On Wednesday you were at Harvey?

Ans. Wednesday evening I got to Harvey.

Ques. And on Thursday morning?

Ans. Thursday evening I was at Canterbury.

Ques. Where were you during Thursday itself?

Ans. I was along the line of railway. I was at McAdam Junction awhile and spoke to the friends there about having my meeting put off.

Ques. You had a meeting Thursday night at Canterbury station?

Ans. Yes.

Ques. On Friday morning you left there and went to St. John?

Ans. Yes.

Ques. What time did you get to St. John?

Ans. I would think about half past three; perhaps it was 4 o'clock when I got to the hotel.

Ques. What train did you take down?

Ans. The C. P. R. train; I think it gets there about 3 o'clock.

Ques. When you got to St. John did you see or have anything to do with the contract being signed?

Ans. No, the contract was never mentioned to me in St. John. I never thought of the contract again. I had not thought of the contract from the time I got the letter from Pugsley till Pugsley spoke of it, and then I did not think of it afterwards.

Ques. The contract you authorized him to draw was on the basis of \$2500 a year?

Ans. Yes, the only specific amount we could possibly pledge the Government to, and I may add, Mr. Hanington, that I never saw the contract until my curiosity prompted me to look at it after the session opened and I thought the contract was drawn with a great deal of care and drawn very fully and satisfactorily. That is the view I took of it when I saw it, and strongly, too.

Ques. I see by this contract he is not obliged to perform the work at all unless he gets an additional subsidy from you?

Ans. That is correct.

Ques. If the contract was to be based on the Order-in-Council, that he was to build it for \$2500, did you know that that was in the contract till you saw it?

Ans. No, I did not know what was in it till I saw it. But when I did see it I thought it was all right enough, because everybody would know that unless he did get more than \$10,000 from the city of St. John and \$2500 from the Government, he would not be likely to spend a million dollars.

Ques. Anyway as far as this clause is concerned you did not know that it was in it till you saw it this session?

Ans. No.

Ques. Therefore you yourself never examined the contract until after it was signed. Did you examine the draft?

Ans. I did not open the draft. I must have read Mr. Pugsley's letter accompanying it, because it was a short note stating that he enclosed me the draft which he wanted me to examine, but I did not examine the draft. I was more concerned then in looking after my own election than in looking after the dry dock in St. John.

Ques. As far as you intended, if I understand you rightly, it was that the contract, if Mr. Leary entered into it, should not be contingent upon getting further aid from the Province, whatever it might have been as to the Dominion? **Ans.** I have no objection to that.

Ques. But the contract as ordered by the Government had no reference to it?

Ans. If I had seen that draft and it had corresponded with the present contract, I should have been quite satisfied with it.

Ques. But the Order-in-Council had no such agreement to it?

Ans. No, but the sense of the Council was that further aid would be required if this thing was to amount to anything at all, and that would

be willing to give it if we were in a position to give it, and if our friends would sustain us in giving it.

Ques. That was not put into the Order-in-Council, was it?

Ans. No, because we felt we could not authorize a contract for anything more than \$2500.

Ques. The contract was to be an absolute contract on those conditions of \$2500 a year?

Ans. Yes, that is all we were authorized to pledge ourselves to.

Ques. There was a considerable conflict—there has been a considerable conflict between rival companies as to getting this work?

Ans. Yes, there has been some. The original St. John company I assumed, perhaps for inadequate reasons, had dropped out. Mr. Hurd Peters wrote a communication stating that he had retired from the company or retired from the business, and we never had, as far as I know, any intimation in an official form or direct to the Government that the company had been reconstituted.

Ques. No, but you did that Mr. Robertson and somebody else wanted the contract?

Ans. Yes, that is something else. Mr. Robertson, Mr. Van Slooten and Mr. Skinner pressed upon us that we should give that company the contract.

Ques. Now, has the time been extended to Mr. Leary?

Ans. No, it has not.

Ques. Have you written to him to that effect or anything on that subject?

Ans. No, I have written to nobody to that effect.

Ques. Then as far as his contract now is concerned, it is off?

Ans. The contract has dropped.

Ques. Now, did not they press, or did they—the members of your Government—did not some persons press the members of the Government to pledge them that they would advocate an additional grant?

Ans. Well, the only pressure as far as I know that we had brought to bear upon us was that of the Common Council at the time of their delegation. They pressed us to say that we would give them \$7500 more, or \$10,000 a year in all. If I could go into matters talked over individually among members of the Government on the subject—not in Council exactly but individually—I might say that we felt that if we could give them a further grant we would be glad to do it.

Ques. That is individually you all agreed to do that?

Ans. Yes. I don't think there was a dissenting voice in the Council.

Ques. Did not these people want that put in writing?

Ans. I never heard of it. No member of the Government ever told me that he was so asked by anybody.

Ques. Nor from anybody?

Ans. No, nobody ever told me. Nobody either in the Council or out of the Council ever told me that Leary or anybody for him wanted that put in writing.

Ques. Nor anybody in St. John?

Ans. No, I don't remember of any single individual in St. John making a request of that kind, or anyone telling me that a request of that kind had been made.

Ques. Were you not informed that some person or persons interested in this matter in St. John wanted a pledge from the members of the Government that they would?

Ans. No, I was asked on the Friday afternoon at the hotel after I got into St. John, by public men, to say at the meeting in the Institute that the Government would be willing to give further aid, and to hold out as encouraging a prospect as I possibly could as to what the Government would do in that connection, but it was never suggested to me that any written pledge or promise should be given.

Ques. Well now, you know Mr. Stackhouse, did you see him among those leading men in St. John, at the hotel or elsewhere, that day?

Ans. I think it is likely I met him at the public meeting on the platform that evening.

Ques. Had you any conversation with him on the subject?

Ans. No, I had no conversation at all on the subject.

Ques. But you did with certain persons because you say they pressed you?

Ans. Well, these were gentlemen that came to the hotel. Mr. Stackhouse did not come there. Mr. John McMillan I think was one and some newspaper men were others.

Ques. Did you see Mr. Kelly?

Ans. Yes, in company with others.

Ques. Was he at the hotel?

Ans. Yes.

Ques. Did not he press on you to make this pledge?

Ans. Well, I think he did, because they were nearly all anxious that I should make as encouraging a statement as I could upon the

platform. They thought that if I felt that way and was justified in doing it, it would have a very beneficial effect upon the election.

Ques. And it would encourage them to go more strongly into it—encourage your friends to go more strongly into the fight?

Ans. No, he did not say that, Mr. Hanington. They all represented to me, I think almost every one of them, that there was a very strong impression in St. John that the Government was hostile to St. John and were unwilling to do anything more than just what they were obliged to do under the act, and they wished that I should give evidence when I was speaking in the Institute, if I felt justified in doing it, that there was no such unfriendly feeling towards St. John, and that there was a friendly feeling and we would do all we could.

Ques. In connection with the dock business?

Ans. Yes, and harbor improvements.

Ques. And they urged you to say that you and the rest of the Government would do what you could if the Legislature would let you. You would do all you could consistent with the finances and if the House of Assembly would allow you?

Ans. I made the statement on the platform—I was a little more enthusiastic than I ought to have been, perhaps, but I told them there was a disposition on our part to treat St. John generously.

Ques. And that was principally in connection with the dock work?

Ans. Altogether directed to that point.

Ques. Who beside Kelly did you see there in the hotel that pressed you to do this?

Ans. Well, there was Mr. John McMillan who came in. I think Mr. Gilmore of the Telegraph and I think Mr. McCready was in. I don't wish to be taken as making a positive statement with regard to the individuals; there was a number of them. They filed in and they filed out; there were two or three of them in at a time; there was nothing private; nothing that I was unwilling for everybody and anybody to hear.

Ques. Did Mr. Pugsley tell you that, that the friends of the Government down there would subscribe \$1,000 if you went down there to speak?

Ans. If it was any inducement for me to go down there, and to leave my own county and my engagements, our friends down there were willing to help me to the extent of a thousand dollars or more.

Ques. When did Mr. Pugsley tell you that anything had been done?

Ans. He did not tell me that anything had been done.

Ques. Not at all? Ans. No.

Ques. Did any person tell you that any funds were contributed, and if so, when? Ans. No, no one told me.

Ques. Never did? Ans. No, never.

Ques. And you never knew that it was until this inquiry came on and brought it out? Ans. No.

Ques. How, and under what circumstances this additional clause was put into the contract, you do not know? Ans. No.

Ques. You had nothing to do with this yourself?

Ans. No, I fully concur in it, and when I saw it, thought it was all right. There is no doubt that Leary, or whoever else built this dock and other improvements, would require a Dominion subsidy or a larger local subsidy unless the Dominion subsidy was larger than they anticipated.

Ques. Who represented Mr. Leary in the matter of this contract, you do not know? Ans. No, I never heard it either.

Ques. If I understand you rightly the Solicitor General had charge of the matter of entering into and fixing up this contract in St. John?

Ans. The Secretary communicated to me. I had my hands full at the time, and said that the Solicitor General could draw it — that is my recollection.

Ques. Then from that time you had nothing to do actually with the entering into of the contract at St. John but it was left to the Solicitor General and the then Provincial Secretary?

Ans. From the 3rd January—from that telephonic message I knew nothing about the dock arrangement until Mr. Pugsley sent me the draft, and that did not rest on my mind a moment, and I laid it aside among my letters and on the Wednesday evening at Harvey was the next time it occurred to me.

Ques. You had nothing to do with the entering into of the contract or having it signed, but Mr. Pugsley had?

Ans. I had nothing to do with it further than I have said.

Ques. It was left to Mr. Pugsley and the Secretary?

Ans. I suggested to the Secretary, if my memory serves me, that he would get the Solicitor General to draw it up as I was too busy at the time.

Ques. Then so far as you know the Solicitor General had the management of it?

Ans. Further than drawing it up I do not know he had. The

Provincial Secretary was the person to whom I communicated the information that the Solicitor was to draw it.

Ques. Had you any communication with the Provincial Secretary on the subject of this contract, with Leary or with his agent, from the time you spoke of—that is the 3rd January?

Ans. No. I am thoroughly positive that my memory is not at fault there.

Ques. Then from the third of January so far as the drawing up of the contract or the delivery of it, you had nothing to do with it but it was left to your colleagues in St. John—that is the Provincial Secretary and the Solicitor General? Ans. Yes.

Ques. When executed and delivered, you did not know?

Ans. No, I had not the faintest idea. I do not know when it was delivered. I did not hear it was delivered.

Ques. What took place as to its delivery, you do not know anything more than you have said? Ans. No, no more than you.

Ques. You knew, did you not, that the Solicitor General had been elected by acclamation?

Ans. Yes, and he had not anything to do, so far as running an election, and I thought he would be at leisure and could draw it.

Ques. You knew he was taking an active part in the campaign in St. John in speaking and so on?

Ans. I thought he was, and I thought he would, as I think he ought to do.

Ques. He talked the matter over with you when in St. John?

Ans. I ought to explain to you that my opportunities of speaking to the Solicitor General that evening were very limited—it was pretty late in the evening, and the meeting was delayed, and I had but very few minutes conversation with him.

Ques. Did he not tell you as to the prospects in St. John and how it looked?

Ans. I think it very likely he did, I have not any doubt but he did, but have no memory of it.

Ques. You knew that he took an active part in managing that election?

Ans. I do not know about management, but I believe he was very much interested in the election and did all he could.

Ques. You knew from what took place between you that he would have a general knowledge of how things were working?

Ans. Probably he would, or he would think he had. I doubt very much if he did have a very accurate idea about it.

Ques. Mr. Leary was not in St. John then?

Ans. I never saw Mr. Leary except on the Sunday in the presence of these people and in the Council Chamber the night before, but I never communicated with him, I never called upon him, nor wrote him or anybody for him. I never had outside of what I have said any communication with him in any way, shape or form.

Ques. I think you said that you never heard anybody urge the Government to sign any memorandum in connection with the matter—only the contract itself?

Ans. No, never. I was never asked by anybody to do anything more than to make a reassuring statement from the Institute platform.

Ques. Did you never hear that anybody had asked any member of the Government to give it in writing—so far as are individually concerned?

Ans. No. I never heard that. We were apparently in this position—we were abused all over creation because we had not done the thing fast enough and then we were abused because we did it.

Ques. You knew at the meeting at the Institute that night that the contract had been signed, did you not?

Ans. No, I had not been told that the contract had been signed and more, I did not ask.

Ques. (Mr. Pugsley). I understood you to state in St. John when spoken to by these public men, in reference to what the Government would be disposed to do in the way of further assistance?

Ans. That I would make a public statement that while I could not speak for the Government and could only speak for myself, and I was careful in the language I employed, that I felt individually like treating St. John generously in the matter.

Ques. Did you ever authorize any person to make any statement on your behalf or on behalf of the Government beyond that public declaration you made in the Institute?

Ans. No, not anything beyond that in any way.

DAVID MCLELLAN Called, Sworn and Examined by Mr. Hanington:

Ques. You were the late Provincial Secretary? **Ans.** Yes.

Ques. You ran in the last election in St. John? **Ans.** Yes.

Ques. Calling your attention to the contract in evidence here, when did you first see this contract?

Ans. I first saw it on the day I signed it.

Ques. Where did you sign it?

Ans. Well, now, I could not just exactly say — I was very busy that day. Mr. Pugsley met me and told me he had the contract ready, and would bring it to me for signature — I cannot tell now whether it was in his office or in Mr. McLellan's store or in the executive rooms — I signed it, but I am not sure where.

Ques. What time of day did you sign it, do you know?

Ans. I would be inclined to think it would be after dinner, but I am not positive.

Ques. You are not positive of it — was it in the afternoon or about noon?

Ans. It might be about noon — I am not positive about that.

Ques. It was sometime between the time you say you met Mr. Pugsley in the morning and what?

Ans. It would be somewhere between ten o'clock and six o'clock.

Ques. On what day was this?

Ans. The 17th, if that is the date of the contract, but I do not remember the date of the contract itself.

Ques. Was it not signed long before tea time?

Ans. I may have signed it any time during the day.

Ques. In other words, you cannot say whether you signed it before dinner or after dinner, or what time during the day?

Ans. I cannot remember where I signed it, I know I first met him in the morning on coming to town, and he then told me he had the contract ready to sign.

Ques. You signed it on that day, did you not? Ans. Yes.

Ques. Had he spoken to you about having it any day before?

Ans. Yes, he told me some days before that the contract was ready, and I asked him if the Attorney had seen it, and he said he had sent the contract to the Attorney General for approval and that it had not come back.

Ques. Then did you urge upon him — you were then the Provincial Secretary and they were opposing you — did you urge upon him it was important that that the contract should be signed before the election?

Ans. No.

Ques. You never told him that? Ans. No, I never told him that.

Ques. Do you know or not of his going up to the Attorney General and getting him to telegraph to send it to St. John?

Ans. He said he would send and get the copy. He said it had not come down, and if my memory serves me right, that he had wired or telephoned to Fredericton and the Attorney was not there, and I said I would like the Attorney to approve of it before I would sign it.

Ques. Was not that so that it might be signed before the meeting that the Attorney General was to be at?

Ans. Well, no, not particularly.

Ques. So that it would be signed as early as possible. You wanted it signed, did you not?

Ans. From the day I gave the Mayor (Mayor Lockhart) that letter, I was prepared to sign the contract any moment after that that it was brought to me, but I never urged the Solicitor General to draw up the contract, nor did I ever urge him that it should be drawn up previous to the election, at all; but I told him that when the contract was drawn up, after I had given that letter, I was prepared to sign it any day it was brought.

Ques. Did not you and he talk it over as important it should be signed before the Attorney General spoke at the meeting?

Ans. I do not remember any conversation of the kind.

Ques. Will you swear it did not take place?

Ans. I think I am warranted in saying that.

Ques. I have asked you as to when that contract was signed and you said that you signed it on the 17th January but you could not tell the exact time that day. And you cannot tell exactly where you signed it?

Ans. No, I cannot tell where I signed it. My impression is though that it was in the executive committee room—I was there most of the time—we called it our headquarters and at that time I was signing a great many papers.

Ques. That is at the headquarters of the Government ticket in St. John? Ans. Yes.

Ques. Where was the building?

Ans. In the Magee block, I think that is the name of it.

Ques. Who was present when you signed it?

Ans. I do not now remember. The room from time to time was full of people. They were coming in and going out—friends of the party were coming in and going out, getting ballots and so on.

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Ques. Was Mr. Pugsley there?

Ans. He brought me the contract to sign it. He laid it down and I signed it and handed it back to him.

Ques. Was there any one there representing Leary?

Ans. Not that I know of.

Ques. Had you read it over before that or not?

Ans. No, I do not remember seeing it before that day. Mr. Pugsley had told me he had it drawn up some days before—

Ques. But did you read it that day, or did he read it to you?

Ans. I think he did.

Ques. Which did he, read it to you or did you read it yourself?

Ans. I am not positive now.

Ques. Are you sure either event took place?

Ans. Yes, I know the contents were given to me either by Mr. Pugsley or I read it.

Ques. Are you sure?

Ans. I am quite positive about reading, but still would not swear positively that I did.

Ques. This was in one of the committee rooms?

Ans. My impression is that it was, but I am not sure about it.

Ques. During that day was Mr. Kelly there?

Ans. I could not say whether Kelly was there that day or not. I had seen him from time to time about the rooms, but I could not say whether Kelly was there or not that day.

Ques. He was one of your active men in your campaign, was he not?

Ans. Yes, he professed to be very friendly with us. Whatever he said he would do I think he would, and we took it for granted he would.

Ques. So far as you know, he was an active man, working in your interests, and so professed to be, had he not?

Ans. Yes, he professed to be so.

Ques. Then when you signed this contract there would be others in the room, would there not?

Ans. Yes, I could not say now though who were in the room, but there were people coming backwards and forwards, and the clerks were there writing.

Ques. It would be a public fact. There was no concealment about it?

Ans. So far as I know I do not know whether anyone else knew it or not.

Ques. It was read to you there, or you read it yourself there?

Ans. I think I did read it. I know I signed it and handed it to the Solicitor.

Ques. Was it not a public room where the Leary contract was signed?

Ans. I would not like to swear it was. I do not know and would not like to swear it was or that other persons were present in the room, or if there was that they did not know it. I do not know that it was publicly known in the room that it was signed or not.

Ques. What day did these papers come to Mr. Pugsley, do you know? Ans. I do not know.

Ques. Previous to his coming in and asking you to sign this contract, had he told you that the papers had come from Fredericton?

Ans. Only that morning previous to signing it, if you will let me explain. He said to me, sometime shortly after the letter was given to Mayor Lockhart, that the contract was ready to be signed.

Ques. That letter was on the 3rd January?

Ans. Yes. Well, some few days after that, it was. I asked if the Attorney General had sent it, and he said he had sent the contract to the Attorney General but that it had not been returned—a day or two before the contract was signed—may be the day before he told me he had been trying to find the Attorney General as he had the contract, and I then told him I would sign it whenever he brought it, if the Attorney said it suited him and that was sometime previous to when he told me he had it ready, as I have said. I did not sign it then as he did not have it with him—I do not know now where it was he told me that, I think it was in his office—he said on this day that it was ready to sign at any time and that day I was most of the time in the executive rooms, and that is the reason why I have the impression it was signed in the committee room sometime during the day when he came back with the contract.

Ques. You told him you would sign it if the Attorney General approved of it—did he tell you or did he not that the Attorney General had approved of it?

Ans. The Attorney General had then returned it and I took it for granted that it was approved of and I signed it and asked some questions about it at the time. I know I had asked as to the plans and specifications. The question I asked was this: “Now under this contract we have the right to approve of the plans and specifications on

the part of the Government although the contract was signed," and his answer was, certainly it was. That it was understood and was clear by the contract that it was the right of the Government to approve of the plans and specifications.

Ques. Then you thought it was approved by the Attorney General as it was, did you? Ans. I suppose I did.

Ques. And it was upon that basis that you signed it?

Ans. Yes. The Attorney General had telephoned me that the Solicitor General would draw up the contract before that.

Ques. Who represented Mr. Leary in this matter of the contract. I see this is signed by Mr. Murray?

Ans. I presume he did. I do not know by what authority he represented him, but I know his name was signed to the contract as attorney for Leary.

Ques. Before it was brought to you?

Ans. Yes, before it was brought to me. That is my impression.

Ques. Are you sure it was on when it was brought to you by the Solicitor? Ans. I feel quite positive it was.

Ques. That is Mr. Murray the late American Council, Mr. James Murray? Ans. Yes.

Ques. He represented him? Ans. Yes.

Ques. Do you know whether the Solicitor General or his brother were the solicitors for Leary in this matter? Ans. No.

Ques. Did you not hear so?

Ans. I have heard remarks on the street about it.

Ques. Previous to the contract being signed did you hear that Mr. Pugsley, the Solicitor General, or his brother—they were both together in the one office? Ans. I presume so.

Ques. Are they partners? Ans. I do not know.

Ques. Previous to the contract being signed by you had you heard or not that Messrs. Pugsley, or one of them, was the solicitor for Leary?

Ans. The time they came up on the delegation I understood that Mr. Gilbert Pugsley was Leary's solicitor.

Ques. Whether Mr. Gilbert Pugsley and Mr. William Pugsley are partners, you do not know?

Ans. I do not. (Mr. Pugsley—We are not partners. We own real estate together; but not legal partners).

Ques. Mr. Gilbert Pugsley does not do much law business, does he?

Ans. I do not know that. I see him around.

Ques. When this paper came down, you do not know? Ans. No.

Ques. Mr. Pugsley was taking a very active part and interest in securing your election, was he not?

Ans. Yes, I think so. I give him credit for being honest on that occasion.

The committee adjourned till 8 p. m.

The Committee resumed at 8 p. m.

Present: Mr. Wilson, Chairman; Hon. Mr. Mitchell, Messrs. Hetherington, Phinney and Atkinson.

Mr. Wilson asked the Committee their opinion as to the issue of a subpoena for the attendance of Mr. R. O. Stockton.

The Committee, after discussing the matter, stood against its issue: Messrs. Mitchell and Hetherington; and for: Messrs. Atkinson and Phinney; and the motion for issue of subpoena was disallowed.

Mr. Hanington then asked, what was the ruling of the Committee on the other two — Messrs James C. Robertson and F. E. Barker, Q. C., whom he stated were material and important witnesses on behalf of the prosecution.

On being asked by the Chairman for his ground for calling these gentlemen and the evidence he desired to elicit, he said: I am instructed that these witnesses can prove that the Solicitor General or his brother or some one for Leary, offered from \$4000 to \$10,000 to enable Leary to get the contract for the dock.

Mr. Pugsley having stated such statement was absolutely false, the matter stood over.

Examination of Mr. D. McLellan was then resumed by Mr. Hanington:

Ques. I think before tea we were asking you about this contract and you told me you did not know what time it was signed. Was R. W. L. Tibbits, your deputy, in St. John that day?

Ans. I could not swear as to that. I really do not know whether he was in St. John that day or not.

Ques. Were you here that day? Ans. No.

Ques. Was Mr. Tibbits in the executive room of your party that day?

Ans. I do not remember, because I would not like to say he was in St. John that day, and I could not swear he was not in St. John, but I don't remember him being there.

Ques. I see this paper is "witness to the signature of David McLellan, R. W. L. Tibbits." Did he witness your signature that day? Ans. That I am not sure of.

Ques. Do you not know he did not?

Ans. I cannot swear whether he witnessed my signature or not to that document. I know Mr. Pugsley brought the document and I signed it and who witnessed it I cannot say.

Mr. Pugsley — It is only a duplicate copy that is here.

Ques. If the duplicate copy is witnessed by Mr. Tibbits — the one that went to Leary is the same as this? Ans. I presume so.

Ques. I would like to know if Mr. Tibbits witnessed your signature? (To the Chairman: I will not want a subpoena for Mr. Tibbits, but he might be sent for).

Ans. I think there was no seal put on to the document, and I think it had to be sent up here afterwards to be sealed, and my impression is that when the seal was put on the document, Tibbits acknowledged that to be the signature and witnessed it.

Ques. Then, if I understand you correctly, this contract when signed by you in St. John, had no seal on it?

Ans. It had not the Provincial seal. That is my impression now, that the Provincial seal was not attached to the document sent down, and that afterwards when the seal was put on the document here in Fredericton, that is the time Mr. Tibbits witnessed it. That is my impression at all events.

Ques. If I understand you correctly the paper that you signed that day in a hurry there had no seal of the Province on it?

Ans. No, it had not the Provincial seal on it.

Ques. And you simply signed it as a contract, that is all?

Ans. That is all.

Ques. And not under the seal of the Province?

Ans. The understanding was that the seal was to be put on when it came up here. The Solicitor told me it was necessary that the seal should be attached to it, and when I came to Fredericton afterwards the seal was attached to the document and I think Tibbits witnessed my signature then.

Ques. How long after that would it be? Ans. I could not say.

Ques. About how long?

Ans. I came to Fredericton the day after the election, that would be the 21st, and that might have been the day.

Ques. So that if I understand you rightly, all that was signed on that day was a paper by yourself, so far as the Government was concerned, and which had not the signature of Leary to it at all except that it was signed by Murray as his agent or attorney, and you are not quite sure of that?

Ans. I think that it was signed at the time the document was brought to me by Murray as his attorney.

Ques. And the signature "J. D. Leary and I hereby ratify and approve of the foregoing contract," was put on afterwards?

Ans. I think and believe that must have been put on afterwards.

Ques. And therefore if Kelly told Murphy, or rather telephoned Murphy, that the paper or contract was all right.

Mr. Pugsley — There is no statement like that.

Mr. Hanington — I did not say there was. That is not my question.

Ques. Now if he did telephone that that day, it would be quite correct, would it not? **Ans.** Telephoned what?

Ques. If Kelly telephoned up that the paper or contract was signed, that would be correct, would it not?

Ans. It was signed on the seventeenth.

Ques. Yes, on that day?

Ans. It is correct that the document was signed on the 17th. Whether he telephoned up, and that would make it all right, I don't know. I don't know whether his telephoning up would make it all right or not.

Ques. But it would be a correct report, would it not?

Ans. I suppose it would be a correct report. You are able to put that construction on it as well as I would be.

Ques. But you know of the facts of the thing being done and I do not. Did you know that when you signed this there was no Order-in-Council authorizing that clause that is in it?

Ans. I did not look at it in that way. I do not think it made any material difference about that because there was no Order-in-Council; there was no guarantee from the Government that there would be any further aid.

Ques. But this paper that you signed was, that the contract should not be binding on him unless there was further aid. Did you not know

that? (Objected to—contract in evidence and evidence of its contents.

Ans. I am not prepared to say it would not bind him unless further aid was given. The way I understood it, if you will allow me to explain it, was—

Ques. Just look at that clause and see. (The witness here read the clause referred to). By that clause of the agreement it appears, does it not, that this contract was not binding on him unless there was further Provincial aid?

Ans. Yes, I should say so.

Ques. So that the contract that you signed was not the contract ordered to be entered into by the Government, was it. There was no such condition as that in the order was there?

Ans. I considered that it made no difference in regard to that clause in the contract. In making this explanation, the reason why I did not consider it so, was that the Solicitor and myself were trying to get further aid and we talked with friends of Leary's who wished to have the dry dock and harbor improvements made, that we were anxious ourselves that the contract should be entered into and that being the case we felt that in all probability there would be further aid granted, although we had no assurance from the Government, that is the Attorney General or any other member of the Government, that such aid would be asked for and feeling that way about it, I did not feel that the Order-in-Council limited me to sign a contract without a clause like that in it.

Ques. There is no clause like that in the order, is there?

Ans. The order authorizes me to enter into a contract with any person or company for the erection of a dry dock in the city of St. John, and we were to pay them a subsidy not exceeding \$2500, based on the calculation that the dock cost \$500,000.

Ques. That did not authorize you to say one word about additional aid, did it?

Ans. Well, the plans and specifications were to be approved by the Governor in Council, and—

Ques. But I am not now asking about the plans and specifications. This relieved him from carrying out the contract at all unless he got further Provincial aid, did it not?

Ans. He stated at the Council that he would not do that unless he did get further aid. He said at the Council that he would not be able to go on with the works unless he got a Dominion subsidy, and that he expected further aid from the Province.

Ques. And that was stated before the Order-in-Council of the 30th December was made? Ans. Yes.

Ques. And notwithstanding that statement having been made, you put nothing of that condition into the Order-in-Council?

Ans. I do not think it was.

Ques. Then on the 17th, when this paper came down there, you signed that paper without the seal of the Province, relieving him from liability unless he got further aid?

Ans. Yes, I should say so by that.

Ques. Then did you not at that time pledge yourself individually that you would try to get further aid?

Ans. If you mean at the time I signed that contract, I say "no." I talked to nobody but the Solicitor. But weeks before we had spoken publicly and privately on the matter, and had stated we would use our best energies in an endeavor to get it.

Ques. You have spoken of talking with the friends of Leary, who wanted to have him get the contract for the dry dock? Ans. Yes.

Ques. Did you not tell those friends that you would do all you could to get further Provincial aid?

Ans. It depends upon what you call friends of Leary. I considered every man who was interested in the erection of those works, friends of Leary.

Ques. You do?

Ans. Yes, they were furthering the enterprise on his behalf.

Ques. How?

Ans. Some by their votes in the Council. Outside of those interested in that way in the work I do not know Leary's personal friends. I never talked on the matter to his solicitor or—

Ques. Did you not talk to Gilbert Pugsley the brother of the Solicitor General who you said was his solicitor?

Ans. He was in Boston weeks before that sick.

Ques. Weeks before the election?

Ans. I do not think he was at home at the time of the election. I know he was sick and had been for weeks before.

Ques. And at the time of the election Mr. Gilbert Pugsley was in Boston?

Ans. That was the report, that he was lying ill in the Quincy House.

Ques. Do you not know that Mr. William Pugsley professed to be acting for his brother?

Ans. I cannot say there was one professed to act for him.

Ques. Who professed to act for Leary in this contract?

Ans. I presume Mr. Murray did.

Ques. Of your own knowledge?

Ans. I do not know anything about it.

Ques. Who did you deliver the contract to when signed?

Ans. To Mr. Pugsley who brought it.

Ques. Then Mr. Pugsley so far as you and the Government were concerned—you said you delivered it to Pugsley? Ans. Yes,

Ques. And the exact time of day you do not know whether forenoon or afternoon?

Ans. I am inclined to think it was towards evening. That is my impression.

Ques. Will you swear it was not signed by you before one o'clock on the 17th?

Ans. Yes, I will swear positively it was not signed before one o'clock on the 17th.

Ques. Then what time was it signed?

Ans. My impression is that it was signed between four and six o'clock.

Ques. Will you swear it was signed after the Attorney General came?

Ans. I cannot say when he came. I did not see the Attorney General till eight o'clock and don't know when he came—it was between seven and eight when I saw him.

Ques. Since you went to tea you are able to swear more distinctly than you were before on this point?

Ans. I will tell you why, if you allow me. That day (in thinking over the matters that took place that day and the business I done) I know I took my horse and pung and went over to Portland to Mr. Holly's place to see him on business, and I did not get back from there till somewhere about four o'clock, and that is why I feel satisfied that I did not sign it till after that hour.

Ques. Will you swear you did not sign it before four o'clock?

Ans. I do not want to swear to anything I am not positively sure about, but I feel certain it was from the reasons I have given, about four o'clock.

Ques. Will you swear you signed it after four?

Ans. I think I am perfectly safe in swearing I signed it after four o'clock for the reasons given.

Ques. Mr. Pugsley came to you in the morning?

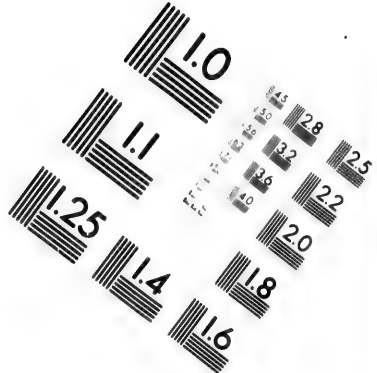
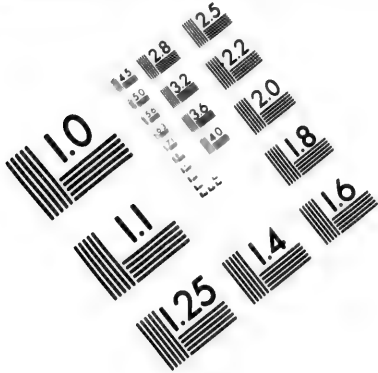
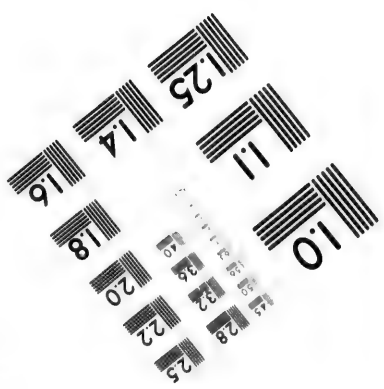
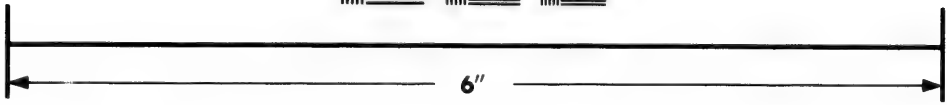
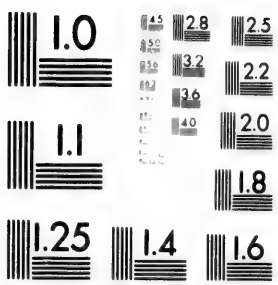


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Ans. I met him in the morning, some time after I came down to town in the morning, and he told me he had the contract ready.

Ques. When he came back to you to sign it you think it was after four o'clock? Ans. Yes.

Ques. Have you talked this matter over with Mr. Pugsley or any one else since we adjourned? Ans. No, I have not.

Ques. I ask, if you will tell me, who witnessed that in St. John when you signed it? Ans. As I told you, I cannot remember.

Ques. Who was there beside Pugsley?

Ans. There was a number of people in the room, in the executive committee room, and if I signed it there, and I think it was there I signed it, I think Mr. Humphrey was there.

Ques. Are you sure of it? Ans. No, I would not be positive.

Ques. Will you swear that you signed it in the executive committee room at all?

Ans. I am not sure I did. I am not sure whether there or in Mr. Pugsley's office, or where it was. I know I did not see Mr. Pugsley that day except that time I spoke of in the morning when he told me it was ready, till after I came back from Mr. Holly's.

Ques. Will you swear that you did not get back from Mr. Holly's house till after four o'clock?

Ans. Yes, I will, because I had an engagement at Carleton at three and I know that I did not get back in time to go.

Ques. You told Mr. Pugsley in the morning that you would sign it?

Ans. Yes. Some time before dinner he told me — somewhere about twelve it might be.

Ques. In the presence of other people?

Ans. I do not think anybody was there when I met Mr. Pugsley.

Ques. You met Mr. Pugsley where?

Ans. Either on the street or in his office. I know he came to see me about the contract.

Ques. When he first came I understood you to say he came in with the contract?

Ans. I said that I first met him, I thought, on the street, when he told me he had the contract ready — and that is what you will find if you took down the evidence correctly — and I said then that I would sign it, but I do not know where I signed it.

Ques. But did you not say you met him in the executive committee room?

Ans. It may have been there or in his office.

Ques. Is your memory so indistinct that you do not remember or know where you met him, and yet you are distinct as to the hour?

Ans. Yes, I know from the reasons given that it must have been after a certain hour I signed it.

Ques. Did you not say that you met him in the executive rooms?

Ans. There or in his office.

Ques. Was that the first time that Mr. Pugsley had spoken to you about having this contract signed — after you were up in Fredericton — take that week for instance?

Ans. You mean the week after the Order-in-Council, do you?

Ques. I think that you told me that you asked him about it, and he said he had sent it to Fredericton, and that he had been trying to find the Attorney to send it back? Ans. Yes.

Ques. And from that time till he came in and said that he had it, and that you would send it — had he spoken to you on the subject?

Ans. I think probably he may have done so. I know I met him very little. I was away out in the county at Musquash, St. Martins and other parts of the county, and had not met him very often.

Ques. You never saw Murray about this contract at all?

Ans. No.

Ques. He never spoke to you about it?

Ans. I think Murray one day on the street talked to me to know if the Government would give any further subsidy.

Ques. When was that?

Ans. I do not know, it was sometime after the Order-in-Council had been passed for the \$2500.

Ques. How long afterwards do you know?

Ans. I cannot tell you how long afterwards.

Ques. Yes, what did you tell him?

Ans. I stated I would do all I could to get the subsidy increased but that I did not know what the Government would do, but that nothing could be done until the House met and see what the friends of the Government thought about it.

Ques. Then among Leary's friends or the friends of the dock as you term it, there was a very strong desire that the contract should be signed, was there not?

Ans. They were all interested, yes. Yes, there was a strong feeling shown.

Ques. And a very strong desire that the Government influence should be given to secure more aid, was there not?

Ans. That we would influence the Government.

Ques. But you were in the Government yourself?

Ans. There was the Attorney General and the other members of the Government to be considered, and I always said I would use my influence with the Government for that end.

Ques. The friends of Leary or the friends of the dock were very desirous that the Government influence should go to get more aid, were they not? Ans. I should presume so.

Ques. Did you not also tell them if the Government was supported that you were satisfied that the Government influence would go that way. Did you not give those gentlemen to understand that?

Ans. I do not think I went so strongly as that. I know I used all the persuasive powers I possessed but I did not go that far; but at the same time I don't think I went far enough to pledge the Government at all and I always said I would use my influence to get further aid from the Government.

Ques. Did you not also tell them that you were satisfied in your own mind and as far as you yourself was concerned, that the Government, if supported, would be favorably inclined to give more aid?

Ans. I do not know I went so far as that. I told them that there was a strong chance. I do not know that I told them that I was satisfied in my own mind about it; but I said I thought there was a strong chance, if the Government was returned, of there being additional aid given if possible.

Ques. Was it to the extent of \$7500 or not less than \$7500 that you mentioned to them?

Ans. I never mentioned any amount that would be given.

Ques. Did Mr. Pugsley tell you that he wanted to do all he could to get this contract, too?

Ans. Mr. Pugsley was working with me in the interests of St. John to secure aid for this dry dock, and we talked it over in that way.

Ques. Did he tell you he would do all he could to get this contract for St. John docks for Leary?

Ans. Yes; he told everybody about St. John that publicly and privately, so far as I know.

Ques. He seemed to take more interest than anybody else about the dock?

Ans. He took a good deal of interest, and there was quite a number of people took a very active interest in it.

Ques. You would be able to tell me, perhaps, did he urge upon you the importance of having this contract signed that week?

Ans. No, I do not think I could say "yes" to that question. I told him when I gave the Mayor that letter, that any time they came with the contract, I was prepared to sign it.

Ques. You did not say — you said when the Attorney approved of it?

Ans. Of course I always had the Attorney's sanction to give that letter, and the only question was for him to approve of the document that was drawn up. I had authority to sign the contract.

Ques. Are you prepared to say that Mr. Pugsley did not urge upon you the importance of having this contract signed during the elections — in that week?

Ans. No more than any one else?

Ques. Did he not tell you he would go and try to find Mr. Blair, and that he went to find him?

Ans. I do not know that he did tell me that.

Ques. Do you not know that he did go up and found Mr. Blair?

Ans. When he came back he told me. He told me the day he came for me to sign the contract.

Ques. He told you, did he, about sending money into York?

Ans. No.

Ques. You never knew a thing of that until when?

Ans. I do not know that I heard of it until I heard that Murphy or Mr. Gunter swore to it. (Mr. Pugsley — I never sent money to York).

Ques. What he did with that contract, you do not know?

Ans. No. When I say I do not know, I might say that I afterwards saw the contract in office here.

Ques. What he did with it between that time, in the elections, you do not know? Ans. No.

Ques. Whether delivered to Murray or not, you do not know?

Ans. No.

Ques. How he managed to get this money to send here, you do not know, do you?

Ans. No, I did not know he sent any money. Mr. Kelly explained about the money; I heard what he explained and it was

astonishing to me. I heard Kelly say he and his friends were going to look after the Attorney General for the action he had taken in the Ritchie appointment.

Ques. You were surprised when you found it came to York?

Ans. No, I was not surprised. The natural consequence was that they thinking so much of the Attorney General and his action in that matter, that they sent the money down here.

Ques. You supposed that it was the way it was done?

Ans. I supposed it was from the friends of the Attorney General down there.

Ques. Do you know or not that there was a large election fund raised before that—before the 17th?

Ans. No, I do not know of a dollar being paid for our election expenses except what I paid myself.

Ques. Then you had nothing to do with the funds? Ans. No.

Ques. Is Mr. Carvill a gentleman of large means?

Ans. He is reported to be. I do not know he is really.

Ques. He was one of the candidates in support of the Government, was he not? Ans. Yes.

Ques. You were not surprised that Kelly would not let it be paid over until he had got it back from Carvill?

Ans. I am not surprised at many things now-a-days.

Ques. But were you surprised or not?

Ans. No, because Kelly was to be recouped, as he said he was, and it was natural he wanted to see if the money was coming back. You see he might have been fooled before and did not want to be again. You know there are such things in elections.

Ques. Then you were not surprised at it? Ans. No.

Ques. Then you were rather surprised to find that the money was to be given to the Attorney General to come down and make a speech because —

Ans. It appears it was not given to the Attorney General.

Ques. You heard the Attorney General giving us his own statement, did you not?

Ans. I am not surprised at the way you put it, but I don't know that he got the money.

Ques. You said that the friends of Leary spoke to you and urged you, I think that is the word—now was Mr. Kelly one of those and who else was one?

Ans. I do not remember whether Kelly ever spoke to me on the question. You asked me a question a few minutes ago and I then went on to make an explanation which I had in my mind ever since. You asked me if Murray had said anything about signing the contract. I was then going on to explain that I had met Murray some where on the street and he asked me if the Government was going to make the contract with Leary, and I told him I had no word of it at all. That I think was previous to the letter sent to Mr. Lockhart, the Mayor, and after I had sent that letter I met him one day and he says: "You have given the Mayor a letter saying you are ready to sign the contract at any time," and I said that was all right, and he said I am satisfied that Mr. Leary will enter into the contract at once.

Ques. Had he not applied for the contract? Ans. Yes, he had.

Ques. But he was waiting for your consent? Ans. Yes.

Ques. And then why did he say Leary was ready to enter into the contract at any time, at once I think you said?

Ans. I do not know.

Ques. Did you not say that you used your influence to get additional subsidy, to Murray I mean?

Ans. I did to Murray and to everybody else I met. I said I would use my influence.

Ques. You did tell Murray that in this conversation?

Ans. I say I may have told Murray. I told everybody I met that I would use my influence to get additional subsidy.

Ques. Is your memory so bad that you cannot remember whether you told him that or not?

Ans. I may have told Murray of that.

Ques. But do you remember whether you did or not?

Ans. I cannot remember whether I told Murray or not. I usually did tell everyone I spoke to on the subject that I would do so.

Ques. Then do you know or do you not, that you told Kelly so?

Ans. I may have done so. I will not swear I did not.

Ques. Will you swear you did not?

Ans. I say that I do not remember whether I did or not.

Ques. Will you swear you did?

Ans. If I thought I told them so, why I would say so, and say that I did it, but I am not sure I did tell them so.

Ques. Was not Kelly one of the men who urged you to do this?

Ans. When you come to put the word "urged" in, the only time

I heard Kelly urge the contract should be given to Leary was in the Council. I think, too, that the next day after the Council meeting here he said: "Do you think you folks can give Leary the contract?" And I think he said something about it another day, when I met him in St. John.

Ques. Do you not know that he mentioned it to you in the week immediately preceding the election?

Ans. I do not think he did. To tell the truth, I did not have much conversation with Kelly at all. Whenever I met him around the committee rooms I had very little conversation with him.

Ques. He was around the committee rooms then?

Ans. I think he was around the committee rooms.

Ques. And was known as a supporter of the Government and of yourself?

Ans. He was there and he said so, and I supposed he was honest about it and was working in the interests of the party.

Ques. Did you not tell him and others that it was an important thing, and that it was consequent upon the Government having sufficient members in the house to support the additional sum wanted?

Ans. No, I never put it so strongly as that.

Ques. How strongly did you put it in that direction?

Ans. I think I told you a while ago that if the Government were supported well, that probably they might do something for them, but to say that it depended upon the election, is not right, because I do not think it depended entirely upon our election; there was the other portions of the country to be considered.

Ques. But if the Government were supported well it would help them? Ans. That would throughout the outside counties as well.

Ques. You did not know where the money came from that came here—you did not know that at all individually, did you? Ans. No.

Ques. Was Mr. Stackhouse a very active man in favor of the dock?

Ans. Yes, he seemed to be very much interested in the dry dock.

Ques. He is a contractor—a man who builds ships and wharves?

Ans. I think he has been a ship builder.

Ques. And a wharf builder?

Ans. I think likely he has done some wharf building.

Ques. Was Mr. Quinton anxious for this too?

Ans. Just the same as I was. He felt that it would benefit St. John, and that it would benefit our election. The reason why was this:

The report went out that the Government did not intend doing anything, and the members of the Common Council, who were friendly to the scheme, wanted to know if we were fooling them, and so we lost a good many votes.

Ques. And that report was pretty current, was it?

Ans. Yes, very current, and it did not do us much good. Carleton went against us.

Ques. If I understand you rightly, there was a considerable feeling that the Government were fooling, or in other words, were not sincere?

Ans. There was a report current to that effect.

Ques. The opposition on the one side would report against it, and on the other side our friend Mr. Pugsley would say something else?

Ans. He might want to offset the statements of the opposition members. He might face one but not the whole of them.

Ques. There was a strong feeling that the Government were not sincere and did not intend to give the contract?

Ans. There was talk of that kind.

Ques. And it became necessary and very important to assure the people that the Government did intend to give the contract?

Ans. It became very important to us down there, but when you ask that question, then in another way it did not become important because if we had made no talk about it at all, it would have been better for us.

Ques. Do you not know who sent for that telegram? Ans. No.

Ques. Did not Mr. Pugsley tell you it was written in his (Pugsley's) office?

Ans. The telegram I received in the Institute?

Ques. That they sent to Leary to send forward and that they received?

Ans. The telegram I got from Leary, and the only one I know of, was handed to me by a boy from the telegraph office and I opened it and read it and I believed it to be genuine then and I do so now.

Ques. Did not Mr. Pugsley tell you at some time or other that he had sent for it? Ans. No, he never told me he sent for it.

Ques. It became important, did it not, to help the Government party election that the contract question should be set at rest?

Ans. I have just said that it did not become important because it had no importance whatever. It did not amount to anything.

Ques. Was it not then so considered?

Ans. It was by some of the Aldermen or men interested in the dry dock. They thought it would be a very good thing.

Ques. Which of the Aldermen was it who so considered it. Was Kelly one, Connor another and McGoldrick another?

Ans. I thought all the Aldermen were pretty much that way, and thought Stackhouse talked that way too.

Ques. Did they not put it that it was important for the Government in the elections?

Ans. They thought that the stories that were going round would hurt us.

Ques. And that if the Government would not sign the contract that they would not support their ticket? Ans. No, I did not hear that.

Ques. Did not Alderman Connor say this: "Ald. Connor assured the Board that Mr. Leary had in his possession a contract bearing the seal of this Province and giving him the \$2500 subsidy granted under the Act of Assembly of 1882. It was for this reason that he had supported the Local Government in the recent election. But for the Government's action in this respect he would have worked for the opposition ticket."

Ans. He never told me anything of the kind.

Ques. Did not Kelly and Connor both give the friends of the Government to understand that unless that contract was signed they would not support them?

Ans. They never told me that nor anything of the kind and I never knew that statement you have read was made.

Ques. Did you not understand that these men would not support the Government unless that contract was signed. Did they so give you to understand? Ans. No, they did not.

Ques. Do you not know that it was hurting the Government?

Ans. All I understood was that that the reports were going about. There was a statement in one of the morning papers that the contract would not be signed and that the Government was not sincere and other talk of that kind, and they said that would injure us, that was all. They never said they would not support us.

Ques. Did you not understand that they would not support you unless the contract was signed?

Ans. I never understood anything of the kind.

Ques. Did not Quinton tell you so? Ans. Yes.

Ques. And he took an active part in the election did he not?

Ans. Yes, so far as I know he did.

Ques. And Kelly said it was men of his own class who had subscribed this money. Did Mr. Quinton hold the same religious views as Kelly did? Ans. No.

Ques. You heard Kelly swear that Quinton raised a large part of the money that came to Fredericton?

Ans. I heard him say that he had received \$200 from him.

Ques. I think Mr. Quinton personally is a very strong friend of yours, is he not? Ans. I think so.

Ques. Whether he had anything to do with raising money for election purposes, you do not know?

Ans. No, I do not know. I presume he put into the pool with all the rest of the candidates the same as we usually have to do.

Ques. He told you so, did he? Ans. No.

Ques. This contract came back then from Fredericton. Did you sign two copies down in St. John or only one?

Ans. I think only one.

Ques. That one was signed for Leary or some one for him?

Ans. Yes, that is the one I have reference to of giving to the Solicitor.

Ques. That would be for Leary, that copy, would it not?

Ans. I presume so.

Ques. Are you sure you did not sign two—are you not sure?

Ans. I do not remember of signing two. I remember very distinctly of signing the contract but whether I signed the second one in St. John, I am not sure.

Ques. Or whether Leary's name was to it at all you are not sure or whether he signed before or after you, that is the one by his attorney?

Ans. I am under the impression that that was there when I signed the contract.

Ques. Your memory does not help you as to whether or not you then signed the two? Ans. No.

Ques. Does your memory serve you as to reading it over?

Ans. Yes, I read it over.

Ques. Was it in print or written? Ans. I could not say.

Ques. And while your memory is poor as to all those things, yet you can tell me the hour at which you signed it?

Ans. I gave you my reasons for remembering the hour and I remember that I was to go to Carleton on that day and I did not get back in time to go.

Ques. That is your only reason?

Ans. That is sufficient reason for me for remembering it could not be before 4 o'clock.

Ques. I thought you told me that you were all day or nearly all day around the executive rooms?

Ans. Yes, I was in there, in and out for two or three days, around the rooms the greater part of the time.

Ques. You know since you were examined before tea, has it occurred to you or was it in your mind at all, the time that Murphy left Fredericton. He swore he left Fredericton by the four o'clock train?

Ans. I do not know when he left Fredericton.

Ques. Have you read what he swore or not?

Ans. No, I have not read the evidence since it has been published in this case.

Ques. Did you hear him swear that?

Ans. I heard a portion of Murphy's evidence that is all. I did not hear him say when he left Fredericton.

Ques. You heard that he had said that he left in the afternoon?

Ans. No, I do not remember hearing as to that. I do not remember what time he left at all.

Ques. You know he said he got down that night?

Ans. No, I do not know he said so because I did not hear him.

Ques. Do you know when Mr. Pugsley came to you that he said he wanted it signed in the morning or afternoon or when. Was it in the afternoon or forenoon he came to you first?

Ans. It was before I signed it.

Ques. Was it before or after dinner?

Ans. I think it was somewhere about noon time.

Ques. Are you not sure?

Ans. I am pretty sure it was about noon time, that is as sure as I can be about it.

Ques. How did you come to tell us this morning it was in the forenoon?

Ans. I said it was in the morning that I came to town, about ten o'clock, and it was between that and lunch time I met Mr. Pugsley and he told me he had the contract, and I said I would sign it if he brought it to me. I did not then see Mr. Pugsley again after we then separated until I came back from Mr. Holly's.

Ques. Are you sure you did not sign it the first time when he said he had it? Ans. I am sure that I did not then sign it.

Ques. Then what time in the afternoon was it or the forenoon that took place?

Ans. I have told you two or three times it was somewhere about the noon hour.

Ques. Then you told him you would sign directly he brought it, did you? Ans. Yes.

Ques. So that it was positive that it would be signed and that it was only necessary for him to bring it to you and you would sign it?

Ans. Yes.

Ques. And it was signed you think in the executive committee room? Ans. Yes.

Ques. There was no secret about it?

Ans. I do not know there was any secrecy about it. I know I read it over and signed it.

Ques. He had it ready, he said, and of course he wanted your assent to signing it and you then gave your assent and said you would sign it, then it was publicly known?

Ans. I do not know it was publicly known.

Ques. You have said there was no secret made of it?

Ans. I do not know there was any secrecy about it or not.

Ques. However, after he had seen you he could say he had been authorized to say it would be signed?

Ans. I do not know about that.

Ques. He had your word you would sign it?

Ans. He had my word, it was only my word, and when I gave the letter it was only my word that the whole city had.

Ques. And there was a strong feeling that the Government were fooling, was there not?

Ans. Yes, it was so reported in the papers.

Ques. And that the Government were not sincere, and would not give the contract? Ans. Yes.

Ques. Then Mr. Pugsley went and saw the Attorney General, and did see him, and he told you so, did he not?

Ans. I do not know he told me; but he told me that the contract was done.

Ques. He told you that he had the contract ready to be signed?

Ans. He told me he had the contract, and then I told him I would sign it at any time he would bring it to me.

Ques. And did you not expect that he would bring it to you that day?

Ans. I did not have any expectations about it, or beyond what he said.

Ques. It was thoroughly settled between you and him that it was to be signed on that day, whenever he brought it?

Ans. Yes, I was prepared to sign it if he brought it that day.

Ques. If he had your positive word that you would sign it whenever you had it brought to you then —

Ans. Yes, he had my word.

Ques. Who was acting for Leary then? Ans. I do not know.

Ques. Did you or did you not know that he had then arranged to send the money up here then?

Ans. No, I don't know yet.

Ques. You do not know that he had arranged the night before to send to Barry word by telephone that he was to expect a messenger, and giving him to understand it was with money?

Ans. No. I never heard that till here.

Ques. You do not know that he had told the Attorney General the night before that the friends were going to send money to York?

Ans. No.

Ques. And you do not know the condition that that money came up here to be delivered under?

Ans. No, I did not know there was any money to be sent up here and did not know there was any condition attached to it till here.

Ques. You do not know anything about the boodle here?

Ans. No.

Cross-examined by Mr. Pugsley:

Ques. Mr. Hanington asked you this morning as to when I first told you that I had the contract ready and that you said you were ready to sign it at any time. Now I will ask you whether from the third day of January you were not ready to sign that contract, that is after the date of the letter that you wrote to the Mayor and which was published in the papers, whether you were not always ready from that time to sign the contract whenever it was presented to you for signature?

Ans. I do not remember the date of the letter.

Ques. The letter is dated January 3rd and is as follows (reads letter). That letter was written by you to the Mayor?

Ans. That is the date of the paper and I presume it is correct. I would like to explain how that letter came to be sent. I was sick in the house at the time and Mayor Lockhart came over. He said he

thought it would be advisable and better to have some letter or something as the Order-in-Council had passed authorizing the Governor in-Council to enter into a contract with Leary, that they should have some acknowledgment that the contract would be given to Leary and he wanted something official that he could show to the Council, and I told him that before giving him a letter that I would like to communicate with the Attorney General, I then telephoned the Attorney telling him the Mayor was then in my house and that he wanted me to give him a letter to the effect that the Government were willing to enter into a contract with Leary according to the terms of the Order-in-Council. The Attorney then telephoned me back that it was all right that he had no objection. The letter was written right away there and given to Mr. Lockhart who took it to town with him.

Ques. Is that all the conversation that took place between you and the Attorney General between that time and the time the Order-in-Council was passed?

Ans. I do not remember seeing the Attorney General or talking to him anything about this except that he was to come down and deliver an address in the Institute.

Ques. And on the day that you telephoned him you have given all the conversation you then had with him?

Ans. That was the conversation in regard to this matter.

Ques. At the time you telephoned to the Attorney General that the Mayor was there, how long afterwards was it that the Attorney General telephoned you giving his consent?

Ans. Right away. I did not leave the telephone. He talked to me right away.

Ques. From that time did you ever, publicly or privately, give anyone to understand that there was no question but that the contract would be given to Leary when it was ready for signature?

Ans. No, for having written that letter I felt that the Government was bound to enter into the contract.

Ques. The Order-in-Council was passed on the 30th December.

Ans. I do not remember the date. I have not looked at a paper in connection with the matter since it came up.

Ques. And on the 31st December you wrote this letter to the Mayor of St. John (reads letter of 31st December)?

Ans. Yes.

Ques. Now with regard to your using your influence to secure

further aid, I will ask you whether you did not both publicly and privately, from the public platform and in your conversation with everybody, state that you were prepared to use your influence and best efforts to induce the Government to recommend a further grant?

Ans. I did.

Ques. You made no secret of that on any occasion, did you?

Ans. No.

Ques. With regard to this contract itself — when you read it over, when I presented it to you for signature — were you of the opinion that the public interest was in every respect carefully guarded?

Ans. Yes.

Ques. And you say in your opinion the public interest in every particular was carefully guarded by that contract?

Ans. Yes, I felt so.

Ques. I will ask whether you did not hear me on the public platform frequently state that I also was prepared to use my best efforts in urging the Government to recommend to the Legislature additional assistance? Ans. I did.

Ques. Did not both you and myself state that we were expressing our own views, but that the Government were in no way committed to the granting of additional aid?

Ans. Yes, that was the general understanding with our friends and everybody that we were only pledging our own individual views, as you say.

Ques. Were not your public and private views and statements in respect to that to the same effect? Ans. Yes.

Ques. You have stated that on the day the contract was signed you were pretty busy with various matters, but you are quite sure for the reasons given that the contract was not signed until after four o'clock?

Ans. Yes, I feel quite positive on that point.

Ques. I will ask you, whether you ever knew of there being any arrangement or understanding of any kind whatever with Mr. Leary or with any person on Leary's behalf, that he was to receive this contract for the dry dock in consideration of his contributing toward the Provincial election?

Ans. There was never any arrangement made by me.

Ques. Did you ever know of any?

Ans. No, never knew of any arrangement being made.

Ques. My brother's name was spoken of — you understood he had

been ill in Boston for some four or five weeks and was not in St. John at all during the election — was he?

Ans. The reason I have for believing that is because I was connected with him in some other matters and kept inquiring for him every day or so and found he was still in Boston. I know I telephoned to his house from my house many times to know if he was back and when coming back, and I was satisfied from what I learned that he was in Boston sick.

Ques. Do you remember whether or not I mentioned to you that I had explained the terms of the contract to the Attorney General when I went to you to get you to sign the contract, do you remember that I stated then that I had explained the general terms of the contract and its provisions and that he had approved of it?

Ans. I do not remember. I understood from you that the contract was satisfactory to the Attorney General.

Ques. Were you present nomination day?

Ans. Part of the time. I was not there during the whole time.

Ques. You were ill that day? Ans. Yes.

Ques. You stated that a great deal of talk was going around that the Government were not sincere and did not intend to give Leary the contract. Now was not that principally heard from the opposition?

Ans. I do not know that I heard that principally from the opposition; I heard it from the people generally. I thought then a good many people who were our friends, who I find are not now.

Ques. You read the speech made by Alderman Smith as it appeared in the "Sun" of January 14th, 1890, did you, as follows: "Now the Government boasted that they were going to expend a million dollars in our harbor. This Government, which were too poor to make the grant for Rodney wharf, now talked about the expenditure of a million dollars here. They must have struck a gold mine somewhere. (Cheers). The people should take no stock in this canvass. He did not believe the \$2500 subsidy would be given to Mr. Leary, because when the Mayor and a committee of the Common Council went to Fredericton to urge a further grant upon the Government, they got very little encouragement. The Government had not then decided as to whom the subsidy should be paid. The last Royal Gazette announced that a charter had been granted to another company, which was organized for the purpose of building a dry dock in St. John. Who composed the company? Well, there were among

others Mr. Van Slooten, a man without a dollar of capital, and John H. Parks, a candidate of this election. (Laughter). Why did the Government, after Mr. Leary had gone so far, grant a charter to a new company? It seemed strange that Mr. Parks should be one of this company and a candidate in this City just at the same time." Did you notice those remarks of Mr. Smith?

Ans. I do not know I did. I think I was sick at the time. I know I went home sick from the nomination proceedings and was laid up a day or two. I do not know whether I read those papers.

Ques. You say you knew that statements of that character were being circulated about the city? Ans. Yes.

Ques. And you say it was felt important to set the public mind at rest so far as that was concerned?

Ans. Yes, that was the idea; we had to get all the votes that we could.

Re-examined by Mr. Hanington:

Ques. Then it was perfectly clear that there was a strong feeling, whether it came from the opposition or not, that the Government were not sincere and the proof of it would be the signing of the contract?

Ans. I do not know that there was a strong feeling but there was a good many reports of that kind going around. I do not think that the people who circulated those reports themselves believed all that they said.

Ques. Then it became very important, did it not, that the contract or some paper should be signed so that you could say, there is the contract signed? Ans. I do not know it became very important.

Ques. It became important when you wanted funds for the election to show to the men in favor of the dock that it was all right?

Ans. I think they wanted to get votes.

Ques. And it was necessary that the contract should be sure; that it was all right, was it not?

Ans. No, my idea was that those reports were being circulated and had a tendency to injure us in our election and consequently we had to offset that and to show that we would carry out our promises to the people, and by that letter of 3rd January written to the Mayor, it was our honest intention to deal with Mr. Leary just as we stated we would deal with him.

Ques. And one way to do that was to have the contract signed?

Ans. Yes, I think that would be one of the things, and when it was ready I signed it.

Ques. Then it was most important to encourage your friends with the probability of success and to work out your side of it that they should be assured that the Government would sign the contract?

Ans. Well, it would look that way.

Ques. There is no doubt about it, is there?

Ans. I do not know whether there is any doubt about it; I say it would look that way. If our opponents were circulating reports which they themselves, or many among them, did not themselves believe to be true, and then to shew we were sincere, I thought it would only be right to shew to offset those reports that we were sincere.

Ques. By signing the contract — now is not that it?

Ans. I was ready to sign it any time after the third of January.

Ques. To shew you were sincere, and as an offset to the reports made and to assure your friends, you then signed the contract?

Ans. We wanted to satisfy the minds of our friends that we meant business.

Ques. And therefore if you had not assured your friends in some way they would not help you in your elections?

Ans. I never heard that.

Ques. With whom had it weakened you?

Ques. I do not know it had weakened us.

Ques. But so long as there was any doubt about it, was it not weakening you with the people who wanted the dock?

Ans. It may or may not have been so.

Ques. What other impression would the people have got but that you were insincere if you would not sign the contract?

Ans. You might draw that inference.

Ques. But is not that the inevitable inference?

Ans. No, you could not make it sure, because there were lots of people who did not want the dock, and I think if we had not guaranteed the dock, there were many votes we would have got.

Ques. You did it to satisfy your friends, did you not, that is those in favor of the dock?

Ans. We had told our friends and the friends of the dock, as I say, that we were in favor of the dock, and they wanted some assurance that we were sincere when those reports went around that we were not.

Ques. Then as I say to satisfy your friends that were required to be satisfied — that is your active friends in the election — you had told the people you were in earnest?

Ans. Yes, and our friends interested in our election said that they had told certain electors, wherever they were, that they were going to have that dry dock, and they said if you do not give them some assurance they will feel you are not sincere.

Ques. Then to satisfy those who had told others what you have said, that you were sincere, you signed the contract, is that it?

Ans. I say that our own friends and many others who would like to see the dock carried on, were being informed of those reports, and as a consequence, would like an assurance it was to be carried on.

Ques. But the class of persons they wished to influence, were they especially interested in this dock?

Ans. I do not know they were especially interested in the dock contract; they were interested from citizens standpoint.

Ques. And they would be interested in having it granted, I presume? **Ans.** They were of course.

Ques. Then the signing of the contract, when you agreed to sign it, would have an important bearing as you then thought on the election, would it not?

Ans. I think if it had an important bearing, it would have been better to have signed it three or four weeks before.

Ques. Did you not think on that day when you told him you would sign it — did you not then think it would have an important bearing on the election?

Ans. To tell you the truth, I did not think it would be of much importance to have it signed.

Ques. Then why sign it, without the seal of the Province, when it was brought to you to sign?

Ans. Mr. Pugsley may have thought it. I did not.

Ques. Did you not understand from that it was important. You have already sworn you did not think it important, and now what do you say as to what you understood from him?

Ans. I say I did not think it was so important towards our election, because of the result, and I do not think it had a good result.

Ques. Did you think it was important then?

Ans. Well, I don't know I ever thought it was important — very important.

Ques. Did you think it was of any importance whatever?

Ans. It might have been. I could not tell you just what I told him or he told me then. I was in a great hurry, and signed it and handed it back to him.

Ques. Then you have no idea whether you thought it was of great importance or not?

Ans. I knew it was of some importance, but I never attached that importance to it that other people did.

Ques. Did you attach as much importance to it as you understood Mr. Pugsley to attach to it?

Ans. I do not know how much he attached to it.

Ques. Did you not understand from Mr. Pugsley that he thought it important?

Ans. I do not think he said anything to me at the time he came for me to sign it as to that.

Ques. Does not that Order-in-Council state that they are ready to give the contract on sufficient evidence of their financial ability to complete the same was furnished. Now tell me, between that 31st December and the date of the contract, did Leary furnish you or your Government with any evidence of his financial ability to complete that contract, and if so, when and what?

Ans. I think there was a statement made by some one who inquired into Leary's position and it was stated that he had plant, steam boats and property of that kind for the purpose of doing general public work, such as dry dock building, building wharves and so on, to the extent of over half a million of dollars, and also a statement from the bankers in New York that he could command at any time, any where in the neighborhood of a million dollars.

Ques. Was that information furnished to the Government after the 30th December or was it furnished to the Government at all?

Ans. I think it was furnished to the Government.

Ques. By whom? **Ans.** By Mr. Connor, I think.

Ques. That is the Alderman in St. John? **Ans.** Yes.

Ques. When was it furnished to the Government?

Ans. The night that they came up here on the delegation.

Ques. The fourteenth of December?

Ans. Yes, I think he then made that statement.

Ques. Was there any statement except that of Connor which he made to the Government on the fourteenth?

Ans. No, not to the Government. I had some information from a gentleman whom I met who pretended to know.

Ques. When had you that information?

Ans. Some time afterwards.

Ques. When?

Ans. I cannot tell you the date of it. It was some time after the 30th December.

Ques. Who was it from?

Ans. I cannot just tell you who it was from,

Ques. Then the evidence of their financial ability to complete the same was not furnished to the Government, but a gentleman told you whose name you forget? Ans. I do not forget it.

Ques. Tell me who it was?

Ans. I do not think it necessary for me to say because this information was given from a private quarter and it was not to be used publicly.

Ques. Was he in St. John? Ans. No.

Ques. A New York man? Ans. Yes.

Ques. A partner of Leary's?

Ans. No, not so far as I know. I was introduced to the gentleman in New York.

Ques. When was it he told you that?

Ans. Sometime after the Order-in-Council passed.

Ques. After the writs were out for the election?

Ans. I could not say whether it was after the writs were out or not.

Ques. Then the only evidence is that simply of the gentleman who told you as to his financial ability. Had you any meeting of the Government from the time you had the information from the individual whose name you cannot mention, until the contract was signed?

Ans. I am inclined to think we had. I would not swear positively we did have but I do not know that we did have a meeting of the Council after that till the election was over. I am not sure that we had a meeting between that time, but there might have been a meeting from the time I met this gentleman.

Ques. I want to know whether they had a meeting or not?

Ans. I do not remember of there being any meeting of the Council from the time that order passed till the election.

Ques. Do you not know that there was not any meeting of the Council after the writs were issued?

Ans. I am inclined to think there was no meeting of the Council after that.

Ques. Therefore, from the time you got that private information, there was no meeting of the Council and you never had any opportunity of considering whether that evidence was sufficient or not?

Ans. I do not think there was any meeting of the Council and I never told the Council. There was no evidence of his financial ability furnished to the Government or submitted to the Government.

Ques. Then tell me why, except for that reason of necessity and haste, why it was that the contract was signed without any evidence being submitted to the Government or the plans or specifications. Tell me any reason for it except urgency?

Ans. I have told you the reason already. The statement went broadcast, although we had passed that Order-in-Council that we did not intend to enter into any contract with Leary or anybody else. Then the Mayor came over and asked me for something to show, that he might show the Council to satisfy them that this contract would be entered into. I then telephoned the Attorney General and he said it would be all right to give the Mayor such a letter as I talked of through the telephone, and then I gave the Mayor that letter that I have already referred to here and which the Committee has had before them. That letter distinctly stated that whenever they were ready to enter into a contract, I was ready to enter into a contract with them, and the very first opportunity I had of signing that contract I signed it, and I signed it for the reason that I had telephoned the Attorney that the Mayor and Council wanted some definite answer about the contract, and I therefore gave that letter and it was not because there was any great urgency by anyone outside at all. They had asked for that letter which was given, and that is the reason.

Ques. (Mr. Pugsley). Does not the contract specify that the plans and specifications were to be approved by the Governor in Council before the work was commenced?

Ans. I asked the Solicitor when talking about the contract if the plans and specifications were to be furnished and examined and approved of before we entered into the contract, and he said by the terms of the contract that they could be approved of afterwards, and therefore the contract would not take effect without the plans and specifications being approved of, and I thought that was sufficient reason to sign the contract.

Ques. (Mr. Hanington). Were not the City Council satisfied with your letter? Ans. I presume they were.

Ques. Then tell me, except they got up the canvass and —

Ans. Do you mean the City Council got up the canvass?

Ques. I said that people got up a canvass insisting — after they got that letter — tell me, if you will, why it was that that contract was signed without any plans and specifications being approved in Council, or without the evidence of financial ability, except that they had made that canvass?

Ques. I told you I was satisfied that he had the financial ability, and I was satisfied that the interests of the Province were well guarded in the contract, as no money was to be paid until the work was completed, and that could not be done until the plans and specifications were approved of.

Ques. Then why the haste of signing that contract that day?

Ans. Because it was brought to me and I had given my word to sign it when ready for signature.

Ques. Brought by your own Solicitor General?

Ans. Who else should bring it.

Ques. Leary did not bring it? Ans. No.

Ques. Nor Murray did not bring it? Ans. No.

Ques. Was it brought on behalf of Leary to you?

Ans. I never asked on behalf of who it was brought.

Ques. Did you understand it was on behalf of Leary it came to you to be signed?

Ans. I understood that the Solicitor General brought it to me for signature, no more.

Ques. Did you not understand it was on behalf of Leary, or on whose behalf?

Ans. He did not say on whose behalf.

Ques. On whose behalf did you understand he brought it?

Ans. I did not understand it was on anybody's behalf.

Ques. Then you did not understand it was brought on Leary's behalf when he brought it? Ans. No.

Ques. Then did you understand it was on behalf of the Government he brought it for signature?

Ans. I say I do not know on whose behalf he brought it.

Ques. You did not know in whose interest it was brought, whether in the interest of Leary or in the interest of the Government. You

do not know that the Solicitor General was acting for Leary, or do you?

Ans. I do not know yet he was acting as Leary's agent then, and do not know whether he is acting as his agent now.

Ques. So far as you know whether brought by the Solicitor General for Leary or for the Government or for whom for signature, you do not know? Ans. No, I do not know.

Ques. Did you not understand at that time who it was for?

Ans. No, I did not understand then and the question was never asked.

Ques. You say that the canvass was very strong that you were not sincere and that you wanted to meet it?

Ans. I answered that question a good many times, still I will answer it till two o'clock if you want it.

Ques. Has Mr. Pugsley told you since whether he was acting for Leary or the Government or the Government ticket?

Ans. No, he has not told me since.

Ques. Did he not tell you where the boodle came from?

Ans. I would like to know where it went to.

Ques. (Mr. Pugsley). When I came to you with the contract you assumed I was acting in my capacity as Solicitor General.

Ans. I do not know whether you were acting for Leary or on the Government behalf, but I know that the Attorney had said that you would draw the contract, and that being so, I asked one or two questions about it to satisfy myself that the public interests were guarded, and I did not bother more about it as I was very busy at the time.

Ques. And you clearly understood that before any work was done, the plans and specifications were to be approved?

Ans. That is one of the questions I asked about and you told me that was all right.

Ques. (Mr. Phinney). You considered it necessary that something should be done to remove the impression prevailing that the Government were not sincere?

Ans. I said I explained that I thought we ought to satisfy our friends and offset the stories being circulated. That letter was given to the Mayor, and there was no other impression prevailing which required me to do anything further than that, and I did not feel myself called upon to do any more than carry out the terms of the letter which I did when I signed the contract. It was not in consequence of the stories

that were being circulated that I signed the contract, I did so in consequence of the letter I had written the Mayor and I did not consider that there was any difficulty in the way at all. I thought after giving that letter that the public mind was at rest. (Mr. Phinney here read part of contract as to expiry on failure to carry on work in 60 days). If that was not done then the contract was to be at an end. I considered the contract was to be at an end if further aid was not given, when the contract was entered into bona fide, and it speaks for itself. As to the further aid, if the Legislature was not in session then we could not get it but every probability was that the Legislature would be in session within the sixty days. It was conditional upon the Legislature assenting to that proposition that further aid was to be given. The Government have not brought in any measure to secure that further aid. The sixty days have elapsed but probably there is an extension of time required in reference to that. It was a genuine contract and was not for the purpose of influencing the election. I do not know personally that money came into York, I heard it here. I never heard Kelly or Murphy say that it was to be sent in consequence of the stand taken by the Attorney on the Ritchie appointment, I said I was not astonished when I heard it here. I had no communication with them or with Kelly and never spoke to Kelly on the subject and I do not know from what portion of the St. John election fund it came. I was not consulted about it. There is an executive committee for that purpose and I did not know anything about any money going outside of what I paid myself.

To Mr. Pugsley—I considered the contract a bona fide contract at the time and I considered that the provisions were sufficient to guard the public interest. It was then expected that the Legislature would meet within sixty days and it did meet within that time.

To Mr. Phinney—I took the meaning from the help that would be sent here would be by sending money or voters.

To Mr. Hanington—I might state that Kelly and I have not been friends since 1883. I met him sometime after the Ritchie appointment, it might be a fortnight or three weeks after, I think McGoldrick was with him and Connor, and he says I have not been a supporter of you since your election of 1882 but now I am going to support you and the Government candidates and do all I can for them for the action that the Attorney General has taken in the

Ritchie matter, and I will give you all the aid I can or assist you all I can in the election. I do not say these are the exact words used but that is about it, and I was not surprised when I heard that Kelly and his associates sent this \$1500. I had understood that he was to aid the Attorney General and he did not give me to understand what he was going to do. He himself explained it on the stand yesterday. I think it would be consistent as he stated it yesterday himself and if he was in the habit of raising money before for that purpose and if the people had fooled him before, he wanted to make sure of it this time. Outside of that letter and the contract no person ever asked me to sign any other paper in connection with the dock matter. Nor did any person say to me it was important that any other paper should be signed. I do not remember having signed any other paper and if I had done so I think I would have remembered it. I do not know that any member of the Government ever signed any paper at all in connection with the contract as to securing a further provincial aid, I do not know of any one being asked to do so. I know I said I would use my efforts as also did the Solicitor General, to secure a further grant if possible.

Committee adjourned till 9 a. m. to-morrow.

COMMITTEE ROOM,

TUESDAY, APRIL 15th, A. D. 1890.

Committee met at 10.15 a. m.

Present: Mr. Wilson, Chairman; Hon. Mr. Mitchell, Messrs. Hetherington, Phinney and Atkinson.

The Committee deliberated as to issue of certain subpoenas required by Mr. Hanington.

On resuming, the Chairman announced that the Committee had taken the question of issuing further subpoenas into consideration.

JAMES MURRAY, Sworn and Examined by Mr. Hanington:

Ques. You reside in St. John? Ans. Yes.

Ques. You were until a few years ago American Consul at St. John? Ans. I had that honor.

Ques. Where were you from? Ans. New York city.

Ques. Since you ceased to be Consul have you been doing business in St. John? Ans. Yes, in St. John and the Province.

Ques. What is your business? Ans. Lumber.

Ques. Do you manufacture lumber or buy it?

Ans. I had contract for piling. I act for Mr. Leary in his piling business.

Ques. Mr. Leary, the contractor spoken of here, is of New York also, is he not? Ans. Yes.

Ques. Had you known him before you came to the Province?

Ans. Yes, for 30 years.

Ques. Did you take any part in getting the contract for him from the city for the docks? Ans. No.

Ques. Did you have anything to do with getting the contract from the Government for him?

Ans. Well, I don't exactly understand that question. Take any active part with the Government, do you mean?

Ques. I mean take any active part in getting any person to influence the Government or in influencing them yourself? Ans. No.

Ques. What did you have to do with it with the Government?

Ans. Simply to act for Mr. Leary with regard to any communication from the Government in connection with the contract.

Ques. You acted for him in that respect?

Ans. Yes.

Ques. Then, I think you misapprehended my question when I asked you if you had anything to do with influencing the Government to give the contract?

Ans. No, I had nothing to do with influencing the Government or soliciting them with reference to the contract. I only acted in a clerical position as Leary's agent.

Ques. Did you consult any persons with reference to it?

Ans. No.

Ques. Did any one consult you with reference to it? Ans. No.

Ques. When you say you acted only in a clerical position, would that be only in Leary's presence when he was in the Province?

Ans. When he was absent also.

Ques. With whom did you communicate on the subject?

Ans. On the subject of the contract?

Ques. Of the contract for the docks?

Ans. With the Solicitor General.

Ques. In writing? Ans. No.

Ques. Had you many communications with him on the subject?

Ans. Quite a number, yes.

Ques. When did your communications with the Solicitor General commence?

Ans. I think right away after the Order-in-Council was passed the latter part of December or the first of January.

Ques. Was the Solicitor General the first member of the Government you spoke to in connection with it? Ans. Yes.

Ques. And you saw him frequently on the subject did you?

Ans. Not very frequently.

Ques. Well, about how often before the contract was signed did you see him? Ans. Well, probably might be 4 or 5 times.

Ques. During those 4 or 5 times did you urge upon him to get the contract signed? Ans. I did.

Ques. Did he tell you that he would get the contract signed?

Ans. He told me right away after the Order-in-Council that he was ready to sign the contract, or the contract was ready for execution, and he submitted to me a draft of the contract.

Ques. When did he submit that to you?

Ans. I think it was the first week in January.

Ques. Did you submit that draft to Leary?

Ans. I submitted the contents of it to Mr. Leary.

Ques. Did you consult any solicitor, and if so, who, on the subject?

Ans. None whatever, sir.

Ques. When you say you submitted the contents to Leary did you send a copy of the draft itself to him?

Ans. I sent the substance of it.

Ques. Did you send a copy of it? Ans. No.

Ques. You had no solicitor at all on the subject? Ans. No.

Ques. Had you any conversation with Mr. Gilbert Pugsley on the subject? Ans. No.

Ques. At any time? Ans. No.

Ques. Had Mr. Leary as far as you know? Ans. I don't know.

Ques. Was Mr. Gilbert Pugsley the solicitor of Mr. Leary as far as you knew? Ans. Yes.

Ques. Mr. Gilbert Pugsley was? Ans. Yes.

Ques. When did you first know that he was solicitor for him?

Ans. I think the very same day that Leary retained him.

Ques. What day was that? Ans. I could not tell you.

Ques. Were you present when he retained him?

Ans. No.

Ques. About when was he retained?

Ans. My impressions are that it was when he bought the real estate at sand point.

Ques. When was that?

Ans. I think that was after the second meeting of the Council in St. John; it was sometime in the fall early in December or in November.

Ques. Then he was retained before the matter came up before the Executive Council? Ans. Yes.

Ques. Where does Mr. Gilbert Pugsley carry on his business in the city of St. John?

Ans. In the Pugsley building on the corner of Prince William and Church streets.

Ques. Has Mr. William Pugsley his offices in the same building?

Ans. Yes.

Ques. Does the same entrance serve for both gentlemen's rooms?

Ans. Both doors lead off the hall.

Ques. How near are the doors together?

Ans. I should judge thirty-five or forty feet.

Ques. Is there a connection between the two rooms?

Ans. No, there is a large intermediate room.

Ques. Are there doors between them?

Ans. No.

Ques. Did you see Gilbert Pugsley and Mr. Leary in the Solicitor General's room? Ans. No, never.

Ques. The retainer of Mr. Gilbert Pugsley was in connection with the purchase of real estate? Ans. It was.

Ques. After you retained Mr. Gilbert Pugsley?

Ans. I did not retain him.

Ques. Well, after Mr. Leary retained him, did you have any conversation with William Pugsley about getting the contract from the Government? Ans. No.

Ques. Well, you did at some time?

Ans. My first conversation with William Pugsley with regard to the contract was after it was passed in Council, and I spoke to him and asked when they were ready to make a contract.

Ques. Before that, whatever communications took place, Mr. Leary was looking after it himself?

Ans. Yes, I guess he was most all the time looking after it. He was here very frequently. He was frequently going to Nova Scotia, and he would stop over in St. John — probably three times in the fall.

Ques. Did he tell you he had seen the Solicitor General about it?

Ans. No.

Ques. Did he tell you to ask the Solicitor General about it?

Ans. No.

Ques. Then how did you come to ask the Solicitor General about it?

Ans. Leary wrote me from New York to see the Solicitor General and ask him to have the contract.

Ques. Have you got the letter that he wrote you?

Ans. No, I have not.

Ques. You did that a short time after the Order-in-Council was made. Well, from that time on you had communications with Mr. William Pugsley? Ans. Yes.

Ques. You were in St. John during the election campaign?

Ans. No, not all the time. I was on and off there.

Ques. Were you there frequently?

Ans. From the 3rd of January I was there frequently up to the election.

Ques. Were you there almost all the time from the third of January to the election? Ans. No.

Ques. What proportion of the time were you not there?

Ans. Well, I could not say exactly. I was up to Salmon River a good deal, up to McLean's, and up to Mr. King, both of whom had large contracts with Leary for lumber. I was away from the city a good deal.

Ques. The contract it appears was not signed till the 17th?

Ans. The 17th was the date.

Ques. Were you there when it was signed?

Ans. I was in St. John.

Ques. Were you present when McLellan signed it? Ans. No.

Ques. A few days before it was signed had you spoken to Mr. Pugsley on the subject of having it signed? Ans. Yes.

Ques. Well, did he tell you that he had charge of the matter from the Attorney General?

Ans. No, he did not tell me anything of the kind.

Ques. Well, did he give you to understand that?

Ans. Well, I had been talking to him about the contract from a day or two after the Order-in-Council was passed and he submitted to me a draft contract and I sent the contents of it to Mr. Leary, and I felt and so did Mr. Leary that it was too absurd a contract to compel him to build the docks for a \$2500 subsidy and the contention, from the time Pugsley told me he was ready to sign the contract, which was right away after the Order-in-Council passed, until it was signed, was

that it bound Mr. Leary absolutely to go on with the work simply for the \$2500, and we had frequent talks over the matter with regard to inserting a saving clause in the contract that provided that in case Mr. Leary did not get further aid or subsidy he would not be obliged to go on with the contract.

Ques. (Mr. Wilson). Did I understand you to say that your conversations with Mr. Pugsley from the time the minute in Council was passed, up to the time the contract was signed, were in reference to the phases of the contract itself? Ans. Exactly.

Ques. (Hon. Mr. Mitchell). More particularly to the saving clause in the contract?

Ans. More particularly. I don't know that Leary had any objections to the contract except that he did not want to be bound by the Provincial Secretary to go on with that work at an immense outlay simply for \$2500, and unless he got more subsidies he would not go on with the work.

Ques. (Mr. Phinney). In the draft contract submitted to you by Mr. Pugsley, did it not contain the saving clause?

Ans. No, that was when he said he was ready to sign the contract right after the third of January. The saving clause was our contention for two weeks or more before it was finally conceded and the contract executed.

Ques. (Mr. Hanington). That contention was that you wanted the saving clause in it as it is now, and the draft contract submitted by him hadn't it in it? Ans. Just so.

Ques. And of course you refused to take it that way without the saving clause in it?

Ans. I did. When the Solicitor General told me after the Order-in-Council that he was ready to sign the contract it had not the saving clause in it.

Ques. And you refused to sign it unless it had it in?

Ans. I refused to entertain it at all without the saving clause.

Ques. What time was it he first told you he would put the saving clause in?

Ans. I think it was somewhere along the 10th or 12th of the month.

Ques. Are you sure that he told you that he would put it in on the 10th or 12th of the month? Ans. I am.

Ques. Did he tell you he had or had not seen the Attorney General then?

Ans. I don't think the Attorney General's name was mentioned.

Ques. Are you sure it was not as late as the 15th that he told you he would put that clause in?

Ans. Oh, it was earlier than that.

Ques. How do you know it was?

Ans. Because I was away from home, up to Salmon River. I am sure it was about the 10th or 12th.

Ques. What day of the week did you go up to Salmon River?

Ans. Thursday night.

Ques. When did you come back? Ans. On Monday.

Ques. Then it could not have been the 10th or 12th because you were away at that time. He did not tell you up at Salmon River, did he? Ans. No.

Ques. That Thursday was not the day the contract was signed?

Ans. No.

Ques. It was a week or a little more before election that you went away was it not?

Ans. No, I went right away after somewhere about the 3rd or 4th of January up to Salmon River, and that would bring me back about the 10th.

Ques. You say that you went away on Thursday and came back on Monday?

Ans. Yes, right in the first of January. I think on the first Thursday in January I went to Salmon River.

Ques. Are you sure it was the first or the second Thursday?

Ans. The first Thursday.

Ques. Have you any memo. of it? Ans. No.

Ques. Then you came back?

Ans. Yes, and on my return I found on calling on Mr. Pugsley's office that he was ready to concede that clause in the contract.

Ques. Why did you not tell us you got the contract from him right after the Order-in-Council? Ans. No, I didn't.

Ques. When did you get the contract?

Ans. I told you that right away after the Order-in-Council he submitted a draft of the contract.

Ques. The draft you got from him? Ans. Yes.

Ques. Will you swear you got that before the 3rd of January?

Ans. No, I say very soon after the Order-in-Council was passed I got the draft.

Ques. And now you say that as early as the 10th or the 12th that he told you he was ready to sign it with this clause in it?

Ans. Yes, somewhere along at that time.

Ques. Tell me what day you got the draft from him first?

Ans. Right away after the Order-in-Council was passed.

Ques. Well, it was passed on the 30th or 31st? Ans. Yes.

Ques. You did not get it that day?

Ans. No, it was probably the 3rd or 4th of the month.

Ques. You told me a little while ago that for about a fortnight there was a discussion between you and him to get this thing in, you claiming and he objecting? Ans. Yes.

Ques. And at last you succeeded in getting it in? Ans. Yes.

Ques. Now, if you first got the draft from him on the 3rd or 4th, tell me where the fortnight was? Would not that bring it to the 17th?

Ans. I said it was about a fortnight.

Ques. Well, would not that bring it to the 15th or 16th or 17th?

Ans. Yes, that would be about a fortnight.

Ques. If that statement is correct that it was about a fortnight, would not the time he agreed to put it in be about the 15th or 16th or 17th? Ans. It would not in my idea.

Ques. Would not a fortnight from the 3rd or 4th be about the 16th or 17th? Ans. It would if you call 15 days a fortnight.

Ques. What do you call a fortnight? Ans. 12 days.

Ques. Then if you got the draft on the 3rd or 4th would it not still be the 15th or 16th that it was agreed to?

Ans. Yes, if it was 12 days.

Ques. Then what you meant was that it would be about the 15th or 16th that it was agreed to? Ans. Yes.

Ques. Then if your fortnight was 12 days it would make it about the 15th or 16th that he agreed to put the clause in?

Ans. Well, about that time.

Ques. Therefore the 15th or 16th was the time he told you he would put it in?

Ans. Oh, it was earlier than that. I told you *about* a fortnight.

Ques. And you have defined that to be 12 days? Ans. Yes.

Ques. That being so that would make it the 15th or 16th, would it not? Ans. Yes.

Ques. Will you swear it was not either the 15th or 16th that he did tell you? Ans. I will swear it was before the 15th or 16th.

Ques. Then which is correct, your previous statement or this?

Ans. Well, I say it was *about* a fortnight. It might have been seven days; it might have been eight days.

Ques. Is seven days a fortnight? Ans. Yes, about that.

Ques. Was it not nearer a week than a fortnight?

Ans. Why, it is over a week.

Ques. Is seven days over a week?

Ans. A fortnight is over a week. I said it was about a fortnight from the time Mr. Pugsley first submitted his draft contract until the one was handed to me for execution with the saving clause in it.

Ques. Not that — but you said until he agreed to put it in?

Ans. Well, but I mean the contract was then drawn with the saving clause in it. If I say a fortnight, would not eight days be about a fortnight. I should call about a fortnight eight or ten days. If I should say a fortnight, I should mean twelve days, and if I would say about a fortnight, I would mean a day or two, more or less.

Ques. But when it came nearer to a week than a fortnight, would you not say it was about a week?

Ans. No, I don't know that I would look at it in that way.

Ques. Anyway this subject was a subject of very grave discussion between you and the Solicitor General?

Ans. No, it was a business discussion.

Ques. Did you not tell him that unless that clause was in you would not sign the contract? Ans. I did.

Ques. It is clear that unless it was changed in that way you would not sign it? Ans. No, I would not.

Ques. It was not in the draft he submitted to you? Ans. No.

Ques. And therefore, it was not in the draft Mr. Pugsley sent to the Attorney General, as far as you knew?

Ans. Oh, I did not know anything about that.

Ques. That being so, you made no hesitation in telling the friends of the dock that you would not sign it until you got additional aid?

Ans. I never made any talk with the friends of the dock pro or con.

Ques. Did no one interested in getting the dock speak to you on the subject? Ans. Very few.

Ques. Did you make any secret of the fact that Mr. Leary would not go on with the contract unless that clause was in it?

Ans. I did not speak to anyone except the Solicitor General about that.

Ques. Were there not a considerable number of persons interested in getting the dock and taking an interest in it? Ans. Yes.

Ques. When did Mr. Leary leave there?

Ans. He left there in December.

Ques. Was he not in St. John again before the election?

Ans. I don't think he was; no sir.

Ques. From that time out you were known to be acting for him in the matter of this dock?

Ans. Well, I don't know that I was known to be acting for him. I was acting for him.

Ques. It was a subject of very much discussion — the contract for the dock — was it not?

Ans. Among the people, yes.

Ques. There were some people very anxious about it, were there not, about the contract being let?

Ans. I don't know anything about that.

Ques. Did not you know that McGoldrick was?

Ans. I did not.

Ques. Did you not know that Mr. Stackhouse was?

Ans. I did not.

Ques. Did they never mention it to you?

Ans. They never talked to me about the contract at all.

Ques. Nor you did not speak to Mr. McMillan or the Mayor?

Ans. No.

Ques. Nor them to you? Ans. No.

Ques. Then you spoke to nobody and nobody to you on the subject?

Ans. I made it a point to keep it my own business, and kept entirely aloof from dock matters and everything of the kind.

Ques. Then you were just running it privately with Pugsley?

Ans. I was not running anything with him.

Ques. Well, managing it?

Ans. I was not managing it. He wanted the contract properly executed. I had no business with him with regard to dock matters, but just the matter of getting a proper contract.

Ques. Was it not your business to get that contract for Leary?

Ans. Exactly, but not so far as dock matters were concerned.

Ques. Is not the matter of a contract to build a dock a dock matter?

Ans. No, a contract is one thing and building a dock is another.

Ques. Is not the matter of getting a dock contract a matter of a dock?

Ans. It is connected with it, but it is not the building of the dock.

Ques. You were looking after this dock matter for Leary were you not?

Ans. I told you very plainly that in Leary's absence I acted for him.

Ques. In relation to this dock contract matter?

Ans. In relation to his whole business including that.

Ques. And included in that business was the contract for the dock?

Ans. Certainly.

Ques. Then when I asked you if you had charge of this dock matter for him and you said you were not, you were evidently in error?

Ans. I simply had charge of looking after the contract for the dock.

Ques. And the dock matter as far as it was then developed?

Ans. There was nothing then developed. There was no development. The only thing in connection with the dock matter at that time was the matter of getting the contract.

Ques. Had you not charge for Leary of getting that dock contract?

Ans. Certainly.

Ques. And you have told us you saw the Solicitor General four or five times with reference to having it made right?

Ans. In reference to having the saving clause put in. Yes; about four or five times.

Ques. What do you mean by that?

Ans. Might be 3 or 4 or 5.

Ques. You saw him four or five times on that subject. That would be after he gave you the draft contract?

Ans. After he submitted the draft contract — right away after the meeting of the Council.

Ques. Can you tell me the day you sent it on to New York to Leary — the draft contract?

Ans. I did not send him the draft contract.

Ques. Well, the contents of the draft contract?

Ans. I wrote him substantially what the provisions of the contract were.

Ques. Well, what day did you do that?

Ans. I think the very same night that Pugsley told me he was ready to sign, and submitted the draft contract.

Ques. What time was that?

Ans. I think the 2nd or 3rd of January.

Ques. Are you sure of that?

Ans. Well, I am sure it was the very earliest part of January.

Ques. Are you sure it was the 2nd or 3rd. Will you swear it was not the 4th? Ans. Yes.

Ques. What time of the week was it?

Ans. That I could not tell you.

Ques. What day of the week was New Year's?

Ans. I could not tell you that without reference.

Ques. Then you are not speaking from any memo, but simply from memory as to the time? Ans. Entirely.

Ques. Can you tell me how long after you sent it before you got word back from Leary that it was satisfactory. Have you got a copy of Leary's letter with you? Ans. No.

Ques. Have you any letters with you? Ans. No.

Ques. Have you any date by which you could tell me the time that you got word from Leary?

Ans. Well, I could say "about," but you might put a construction on that of five or six days, one way or the other.

Ques. Did you get instructions from him by telegraph or letter?

Ans. I could not say.

Ques. Well, tell me the time, will you?

Ans. Right away after the first of January.

Ques. But when did you get the answer back is what I want to know?

Ans. Well, that is what I say.

Ques. Well, it could not be that for it was right away after the first of January you say when you got the draft?

Ans. I could get an answer from New York in 48 hours.

Ques. But will you swear you did?

Ans. Yes, I swear that I got an answer at once.

Ques. Well, you sent it about the third, did not you?

Ans. Yes. I think the very same night that the draft was submitted to me I sent the substance of it to Leary.

Ques. And that you think was about the third?

Ans. No, I could not say the third but the early part of January.

Ques. How long after you sent it before you went up to Grand Lake? Ans. Just as soon as I got word from him.

Ques. And then you went up river?

Ques. No, I saw Pugsley and told him that—

Ques. Yes, but how long after you heard from Leary did you go up river to look after the lumber?

Ans. I think within a day or two.

Ques. Are you sure of it? Ans. Yes, if my memory serves me.

Ques. Now, if New Year's was Wednesday, and you got this draft contract on the 3rd or 4th, and then you wrote to Leary and got word back from him, and then went up to Salmon River a day or two afterwards, it is perfectly clear that you did not go up to Salmon River the first week in January?

Ans. Not to my mind it is not. I think I did go up to Salmon River the first week in January.

Ques. The very day after New Year's — for you said Thursday?

Ans. No, I may have gone Friday.

Ques. But you said Thursday?

Ans. I said I thought Thursday.

Ques. Then if you went the day after New Year's, that was before you got the contract from Mr. Pugsley at all?

Ans. I went immediately after getting the draft.

Ques. You say that you went up the day after you got the draft?

Ans. I did not say that. I say that I went up the day after I got word from Leary with regard to the contract.

Ques. You said you went up there the first week in January?

Ans. Yes, I said that.

Ques. Well, if it began on Wednesday, that is the same week?

Ans. Yes.

Ques. Now, if you got that word from Leary, which you say was about the 3rd (Friday) and you say you did not go till the day after you got it, the day after would be Saturday, not Thursday?

Ans. Well, about the 3rd would not be Friday; it might have been the 2nd.

Ques. Do you want to change it?

Ans. No. I want to get on with this examination just as clearly and fairly as you do, but you certainly have a peculiar way of asking questions and making statements.

Ques. Did you not tell us you got the draft contract from Pugsley about the third?

Ans. Yes. And now you assume right away that I got it on the third.

Ques. You have told us that you got it about the third—that you then sent the substance to Leary to New York? Ans. Yes.

Ques. That you got a reply? Ans. Yes.

Ques. And then it was you went up to Salmon River?

Ans. Yes.

Ques. And you thought it might have been the day afterwards?

Ans. Yes.

Ques. Could you do all that in four days? Ans. Yes.

Ques. Well, the third was Friday? Ans. Yes.

Ques. And you say you could write to New York and get an answer back and leave before Saturday night? Ans. Yes, I could do it.

Ques. Will you swear you did do it?

Ans. Well, I swear as soon as I got word from Leary I went to Salmon River.

Ques. You did not go to Salmon River on Saturday?

Ans. I might have.

Ques. Did you not tell us you went on Thursday and came back on Monday?

Ans. Well, I presume I did. I have been to Salmon River half a dozen times this winter.

Ques. But did not you say you went on Thursday and came back on Monday? Ans. Yes, I did.

Ques. Well, New Year's Day was Wednesday. You did not go on the Thursday immediately after New Year's Day, did you?

Ans. I said I went on Thursday and came back on Monday.

Ques. Well, you did not go to Salmon River the day after New Year's? Ans. No.

Ques. Then it was the next week after that?

Ans. No, it was not. My impressions are that I went there the first week in January.

Ques. Then your impression is that you went the first week that began on Wednesday? Ans. Yes, that is my impression.

Ques. The time that you fixed at which you spoke of ten or twelve days or about a fortnight is based upon the time you went up to Salmon River. That is what you have told us, that the reason you know is because you went up to Salmon River? Ans. Yes.

Ques. Then tell me how long it was after you came back from Salmon River that Mr. Pugsley told you that he would insert this clause? Ans. Right away when I came back.

Ques. Then would that be the week of or the week immediately before the election?

Ans. The election took place on the 20th; yes it would be the

week before the election—a week or ten days before the election that I came back from Salmon River.

Ques. Well, if you came back on Monday it would not be ten days. Did you come back on Monday from Salmon River?

Ans. That is my impression.

Ques. Then the whole of this is impression—you are not certain of anything?

Ans. Most certainly; I cannot call to mind the exact dates and times three or four months ago.

Ques. When you speak of dates and times it is simply impressions and you are not sure of it?

Ans. Just exactly; I state that most frankly.

Ques. Did Mr. Pugsley when he told you that he would insert the clause, tell you that he had word from the Attorney General, and it was altered, or words to that effect? Ans. He did not.

Ques. Did he at any time tell you he was consulting with the Attorney General about it? Ans. No.

Ques. Did he tell you that he had sent the draft to the Attorney General? Ans. No.

Ques. Did he give you to understand that he had got back the draft from the Attorney General before he agreed to do this? Ans. No.

Ques. Whether he did or not, you don't know?

Ans. No, I don't know anything about that.

Ques. But he did tell you it was altered and he would change it?

Ans. Yes.

Ques. And he did change it? Ans. Yes.

Ques. And was not that about the time the contract was signed?

Ans. The time it was changed?

Ques. Yes?

Ans. Oh, I say when I came back from Salmon River he gave me to understand the contract would be changed.

Ques. Well, was not that about the time it was signed?

Ans. No, it was before.

Ques. Well, how long before?

Ans. Well, I could not swear to any particular time; it was some days I am sure.

Ques. Did not you understand from the Solicitor General that he could deal with this subject himself—of the change in the contract?

Ans. No.

Ques. You say he never mentioned the Attorney General in it?

Ans. No.

Ques. You did not know the Attorney General was to be consulted about it? Ans. Well, I don't know that I did.

Ques. Well, did you not hear it?

Ans. I don't know that I did.

Ques. You knew that there was a good deal of feeling, didn't you, in political circles and canvasses, that the Government did not intend to sign the contract with that clause in it?

Ans. Well of course I knew there was some feeling about the contract which I mostly gathered from what I saw in the newspapers.

Ques. And doubt as to whether the Government intended to sign the contract with that clause in it?

Ans. I don't know whether that impression was made on my mind. It was in the middle of a political campaign and I did not pay much attention to it.

Ques. About how much time elapsed between the different times you saw the Solicitor General?

Ans. Oh, a day, or two or three days between each time, perhaps.

Ques. Did you hear from Mr. Leary in the meantime. Did you communicate with Leary as to seeing him or what you were doing on the subject? Ans. No.

Ques. Did you have any letters from Leary urging you to have something settled about it?

Hon. Mr. Pugsley objects. First, letters he got from Leary unless communicated to Attorney General would not be evidence; second, contents of them could not be given without their production, and Mr. Murray has had no notice to produce letters.

Mr. Hanington—They have been proving communications in this way on their side and it is proper evidence in this inquiry. It is impossible for me to define the letters and papers that have passed so as to have them produced here.

Hon. Mr. Pugsley—The member of the House making the charge must be taken to have knowledge of the facts upon which he bases it. The ordinary rules of evidence must be complied with.

Hon. Mr. Mitchell—I do not think he should answer the question. First, it is a written document which if produced will speak for itself; second, Attorney General, the party charged, was not made acquainted with contents.

Mr. Phinney—If this was a Court of law the objection that it was a written document would prevail, but I do not think it is a valid objection in a court of inquiry of this kind, because it is impossible for counsel to know what documents he requires. As to the ground that it was not communicated to Mr. Blair, it seems to me that it is simply offered to show the extent of the authority which Mr. Murray had. If Leary communicated with him and gave him instructions, it would go far to show the extent of the authority he had from Leary, and explain his contract upon those instructions. We know he was acting generally as agent, but what were the specific instructions.

Dr. Atkinson -- It is impossible for us to say what the contents of the letters are, but if Leary writes his agent on matters connected with the contract, urging him to settle the contract or have it arranged, I think we are justified in wanting to know what the instructions were.

Mr. Hetherington — I agree with the Secretary.

Mr. Wilson — I am opposed to the question on both grounds urged by the Solicitor General. It would have been very easy to have subpoenaed Mr. Murray to produce all documents and papers sent him by Mr. Leary. (Ruled out).

Ques. (Mr. Hanington). You having received letters from Mr. Leary, did you tell Mr. Pugsley that you had received letters from him? Ans. No.

Ques. You did not tell him that you had heard from Leary at all?

Ans. No.

Ques. But you went and urged this thing three or four or five times of your own accord, and that was after you had heard from Leary? Ans. It was.

Ques. Do you say that Mr. Stackhouse and these gentlemen never spoke to you about this contract, or whether it was signed, or as to the terms of it or anything of that kind?

Ans. They never mentioned the contract to me in the world.

Ques. Nor you to them? Ans. No.

Ques. Whether they did to Leary or not you don't know? Ans. No.

Ques. Is not Mr. Stackhouse taking much interest in this business?

Ans. I don't know; I know that he has been an advocate of the dock in the City Council.

Ques. Did not Stackhouse meet you last night when you first arrived here and have a long talk with you, and did he not mention the subject of this inquiry going on? Ans. No.

Ques. He had a long talk with you?

Ans. No, I met him as I got out of the carriage in front of the Barker House.

Ques. How long did he talk to you?

Ans. Perhaps about five minutes.

Ques. And never mentioned the subject of this inquiry at all?

Ans. Not at all.

Ques. Of course you knew Mr. Stackhouse?

Ans. Yes, for some years.

Ques. Have you never asked him anything about prices or the probable cost of any such works, either of wharf works or anything connected with this dock? Ans. No.

Ques. At any time? Ans. No.

Ques. Previous to the day the contract was signed you met Mr. Pugsley several times? Ans. Yes.

Ques. Did you discuss questions in the contract—the points in the contract with him—for instance, there is a point that time was to be the essence of the contract; did you discuss that with him?

Ans. No. That was satisfactory as far as I could see.

Ques. Was that in the original draft? Ans. No.

Ques. Then if it was not in the original draft submitted to you of which you sent the substance on to Leary, when was it that Mr. Pugsley proposed to put that in?

Ans. The original draft, I don't recollect whether it named any specified time for the commencement of the work or not; I did not pay any attention to it. The whole contention with Pugsley was the clause with regard to making it absolute.

Ques. No, but you said that the clause that time was to be of the essence of the contract was not in the original draft?

Ans. I did not discuss it in the original draft; I don't think I paid any attention to it in the original draft.

Ques. You said it was not in it, but perhaps you did not intend that?

Ans. I don't think I said that, but if I did I did not mean it. I presume that there was time in there, but that it was to be the essence of the contract I don't remember whether that was in or not. It is the same as most contracts are drawn.

Ques. Was that in the original draft or not?

Ans. I think it was; what I meant to say was that there was no discussion in regard to that point.

Ques. But this last clause was the one that was admitted after all this discussion between you—"It is understood and agreed that this contract is preliminary to a further agreement, etc., etc."? Ans. Yes.

Ques. In other words that clause provides that unless satisfactory Provincial aid is given—and further aid to an amount that would satisfy Mr. Leary, he need not go on with it?

Ans. No, that was not the view I took of it. That was not my contention in the matter.

Ques. Your contention was that he would not go on without further Provincial aid?

Ans. No, he might have gone on with the \$2500 if he had got from the Dominion Government sufficient to go on.

Ques. But he would not bind himself?

Ans. Certainly, it says so in the contract.

Ques. Your contention was that he should not bind himself to go on without further Provincial aid?

Ans. No, but if he did get sufficient from the Dominion Government he might go on.

Ques. What do you call sufficient from the Dominion Government, \$10,000? Ans. Oh, no.

Ques. Well, that was the amount contemplated to be got from the Dominion?

Ans. No, more than that. I think Leary had assurances of more subsidy than that from the Dominion.

Ques. You are not speaking of your own knowledge of that?

Ans. No.

Ques. (Mr. Phinney). I would like an explanation of how that clause came to be in the contract; it strikes me as a peculiar one?

Ans. The view I took of the draft without that saving clause was, that it would oblige Leary to go on with his work with simply a subsidy of \$2500 from the Province, if he got nothing at all from the Dominion or nothing at all from the city. Should any trouble take place about it, they could compel him under that contract simply for \$2500 to go on with the work down in the harbor of St. John, and to protect him in that respect is why I insisted upon that clause in the contract.

Ques. Suppose he had got the subsidy from the Dominion Government and from the City Government and the \$2500 from the Local Government, did you consider under that clause of the agreement he was then bound to go on? Ans. I considered it was optional with him.

Ques. Was not that the very object of inserting it—to leave it optional on condition that if he did not get more than \$2500 from the Province, even assuming he got all the other subsidies, he was not bound to go on? Ans. Exactly, most assuredly.

Ques. (Mr. Hanington). And at first Pugsley refused to do that, didn't he? You had to see him 3 or 4 or 5 times?

Ans. He refused to put in any such clause. He stated the interests of the Province were at stake, and he wanted to have the contract drawn to cover the interests of the people here of this Province, and he would not listen to any such thing.

Ques. And at last he did listen to it and agree to it? Ans. Yes.

Ques. Will you swear that was not the very day that he telephoned Mr. Barry that a friend was coming up here with the money?

Ans. I have no more conception of what Mr. Pugsley telephoned than you have.

Ques. Will you swear it was not the same day?

Ans. How could I; I did not know anything about it; the question is utterly ridiculous.

Ques. Tell me what it was, if you will, that convinced him to put that clause in? Ans. I could not tell you; I don't know.

Ques. Did you ever see the Order-in-Council? Ans. Yes.

Ques. There was no such condition as that in the order?

Ans. No, I don't think I ever saw the Order-in-Council.

Ques. Did you see the letter from the Secretary? Ans. I did.

Ques. There was no such condition as that in that?

Ans. The letter he had in the Globe, you mean, no.

Ques. Well, that is not what I mean?

Ans. Well, that is what I mean.

Ques. I mean the letter that is on the files from the Government—the official one? Ans. That I never saw.

Ques. Then as far as you knew what induced him to change his mind and put in that clause leaving it entirely optional with Mr. Leary whether he would go on or not?

Ans. I don't know; it is beyond my knowledge.

Ques. Don't you know that Kelly was very anxious for these works to go on?

Ans. I think he was by his action in the Board of Aldermen.

Ques. Didn't he take a very active interest in getting the contract for Leary?

Ans. I don't know about his taking an active interest in his getting it. He took an active interest in having the city of St. John promote and favor the Leary dock scheme.

Ques. And to get the contract for Leary for it? Ans. Of course.

Ques. Did not you know that besides the action he took in the Council, that outside he was often advocating it? Ans. I didn't.

Ques. You did not hear that? (Objected to—Ruled out, per Phinney, Hetherington and Mitchell).

Ques. (Mr. Phinney). When you say the Solicitor General submitted a draft contract to you, did he give you a copy of that draft for your perusal?

Ans. He submitted the draft to me but did not give me a copy for my own.

Ques. What inspection did you have?

Ans. I made a careful inspection of the copy he had.

Ques. You had no copy for your own inspection? Ans. No.

Ques. And you have none now of that original draft? Ans. No.

Ques. (Dr. Atkinson). Did he leave it with you?

Ans. I think I had it one night and returned it to him, and stated my objection that it was too absolute for Mr. Leary to go on with it; that it bound him no matter what occurred with the Dominion or City.

Ques. (Mr. Phinney). You, acting for Leary, actually refused to enter into that contract?

Ans. Most assuredly. I would not take any such responsibility at all.

Ques. Did the Solicitor General urge you to enter into the contract at all, or give you any reasons why you should?

Ans. Yes, he gave his official position as Solicitor General and the interests of the Province to be looked after, that he wanted to make as strong a contract as he could, and I told him I wanted to make as fair and good a contract as I could. I wanted to make a fair business contract.

Ques. Did he urge any special objections to the clause you wished inserted, which is now in? Ans. Yes.

Ques. And refused to do it?

Ans. Oh no. He urged objections, yet he did not say that it was of any great moment; did not attach any great importance to it but he preferred not to put it in. Did not state any real strong objection to it.

Ques. (Mr. Hanington). Well, if he had no strong objections to it why did he require you to see him three or four or five times about it?

Hon. Mr. Pugsley—He did not say three or four or five times about that alone, he said altogether.

Ques. (Mr. Hanington). Did you not say that you saw him three or four or five times about getting this clause in?

Ans. About the contract?

Ques. No, but about getting this clause in?

Ans. I don't recollect that I said so; the record is there.

Ques. Didn't you say you saw him 3 or 4 or 5 times about getting this clause in?

Ans. No, with reference to the contract I think I stated.

Ques. Did that include the time it was delivered to you?

Ans. From the time he first submitted the draft till it was delivered, I think I saw him 4 or 5 times.

Ques. Did not you tell us that you urged him over and over again to have that clause inserted and he would not?

Ans. I did not say that I urged him over and over again to have the clause inserted and he would not.

Ques. Did not you say you saw him, at least three times, and urged it upon him and he would not do it? Ans. Yes.

Ques. Then tell me what reasons you gave him at all that convinced him to give it to you? Ans. Well, I don't know.

Ques. Do you know any reason that any other friend of the enterprise gave him to get him to agree to it? Ans. No.

Ques. Do you know whether or not it was not that they agreed to send money to York to help in the election, that induced him to agree to it? Ans. No.

Ques. What connection his sending the money to York had to his agreeing to it, you don't know? Ans. No.

Ques. Coming down to the day you got the contract, it was delivered to you at last?

Ans. Yes, I got word that the contract was ready for execution. I went down to Mr. Pugsley's office and Mr. Pugsley was not in. I saw Mr. Trueman and he had the contracts there; I read them over—read one of them over and affixed my name as Leary's agent.

Ques. What day was that?

Ans. I think that was the 17th day of January.

Ques. What time in the day? Ans. In the morning.

Ques. Mr. Pugsley was not there? Ans. No.

Ques. Was Mr. McLellan's name to it then? Ans. No.

Ques. When did you next see it?

Ans. While I was talking to Mr. Trueman about the execution of the contract, I told him I wanted to go away to the lumber operation at Gagetown and wanted to know if I could not get the contract that day, and while we were talking Mr. William Pugsley came in and he said it was simply impossible; that the Provincial Secretary's name had to be attached to it, and it also had to have the official seal. Well, I told him it was a matter of great importance to me; that I want to get up to Gagetown; my people had been waiting for me; I had 15 teams of horses and 40 or 45 men, and had rather neglected my business; ought to have been there two weeks before. Well, he said it was simply impossible to deliver the contract that day to me, the seal had to be attached to it. I said: Could you not get the Secretary's name to it? He said: That will do you no good for you will have to take it to Fredericton to get the seal on it. I said: If you will get the Secretary's name attached to it I will bring the document up to Fredericton and get the seal put on it and mail it to Leary and then I can go from Fredericton to Gagetown to my work. He said he would see about it. I told him it would be a great convenience to me as it would save me a great deal of trouble in my getting to my camp, and I would be very much obliged to him if he would. Along in the afternoon I went home, I generally take lunch about 2 o'clock, and I think a little after 4 or some time after 4, I received from Mr. Pugsley's office the contract executed by the Provincial Secretary with a little slip inside directing Mr. Tibbits at Fredericton to affix the seal, and it was just about as much as I could do to catch the train and come up here that night.

Ques. Which train? Ans. The C. P. R., I think.

Ques. But you did catch it and came here?

Ans. Yes, just caught it.

Ques. It was sent over to your office, was it not?

Ans. No, my house; I have no office.

Ques. How far is that from Pugsley's office?

Ans. Well, probably 8 or 10 minutes walk.

Ques. Any way the result of it was that the contract was executed in time to be sent to your house for you to take the train. Now, did not the train leave there about 3 o'clock?

Ans. The train left I think about 3.45 standard.

Ques. Then if it is sworn here by anybody that the contract was

not signed till about 6 o'clock, it is a mistake? Ans. Most assuredly.
 Hon. Mr. Pugsley—Nothing of the kind was sworn to.
 Committee adjourned till 2.30 P. M.

COMMITTEE ROOM,

MONDAY, APRIL 15.

Committee met at 2.30 p. m. pursuant to adjournment, when examination of James Murray is resumed.

Ques. (Mr. Hanington). You have told us that you brought the contract up on the train. Were you at your house when it came?

Ans. Yes.

Ques. How far is your house from the station?

Ans. Well, I can go from my house to the station by going very quickly in about 15 minutes.

Ques. Then you went quickly that day?

Ans. I ran most of the way.

Ques. Where is your house? Ans. Orange street, number 78.

Ques. You were in a great hurry to get up to Fredericton?

Ans. Well, yes. Indirectly I was; I was in a great hurry to go to Gagetown.

Ques. Well, did you go to Gagetown before you went home?

Ans. No.

Ques. You came to Fredericton and arrived here the evening of the 17th? Ans. Yes.

Ques. Did you see anybody connected with the Government or any of the officers that night? Ans. Yes.

Ques. See anyone connected with the Attorney General that night?

Ans. No.

Ques. I mean from the Attorney General? Ans. No.

Ques. Had you a letter from the Solicitor General? Ans. No.

Ques. Letter from the Provincial Secretary?

Ans. Well, it was a little slip of paper directed to Mr. Tibbits just asking him if he would attach the seal to the contract.

Ques. And give it to you?

Ans. No, he did not say anything about giving it to me that I remember. My recollection is that it simply said to place the seal to the contract.

Ques. From Mr. Pugsley that was? Ans. No, Mr. McLellan.

Ques. Had you seen Mr. McLellan that day? Ans. No.

Ques. From whom was it you understood that you would get the contract that day?

Ans. The Solicitor General I talked to; I told him I was very anxious to get to Gagetown.

Ques. From the Solicitor General's office to your place would be about ten minutes walk? Ans. Just about.

Ques. You live in the south-eastern part of the city, don't you?

Ans. I live next to Howard Troop's house, right opposite Mr. George McLeod's.

Ques. Were you prepared to leave for Fredericton before you got this?

Ans. Yes, I was all prepared; with satchell, etc., and account books, and one thing and another for Gagetown.

Ques. Where did you stop in Fredericton?

Ans. At the Queen.

Ques. Did you register your name there? Ans. Yes.

Ques. When did you leave there?

Ans. I left there the first train in the morning.

Ques. You did not go to Gagetown? Ans. No.

Ques. Which way did you go? Ans. To St. John.

Ques. In the morning? Ans. Yes.

Ques. Did you tell Mr. Pugsley you had got it fixed?

Ans. I did not see him again at all.

Ques. Nor McLellan? Ans. No.

Ques. Having got the seal on it you sent it right to Leary?

Ans. No. I took it with me to St. John.

Ques. You got the seal on it, did you? Ans. Yes.

Ques. Then did you take it away with you?

Ans. Yes, I calculated when I got the seal on the contract to mail it from here to Mr. Leary, but from inquiry at the hotel, it was just after a heavy snow storm, and Edwards and the stable people told me it would be impossible to go from here to Gagetown because the roads had not been broken out, that I could not possibly go there, and consequently I made up my mind to take the first train in the morning for home.

Ques. Did you keep the contract since?

Ans. No, I mailed it right away as soon as I got to St. John to Mr. Leary.

Ques. Whose name was witness to the signature of Mr. McLellan?

Ans. I could not tell you.

Ques. I see the duplicate here has Mr. Tibbits' name? Mr. Tibbits did not see McLellan sign that one that you got? Ans. No.

Ques. You came up that night and Tibbits was here?

Ans. No, I came up and went to the Queen Hotel, registered my name, and asked if they could tell me where Mr. Tibbits lived, and they said they could call him up by telephone, and they did and he came to the hotel. I showed him the little piece of paper from the Provincial Secretary to please attach the seal, and asked him if he would object to going down to the building and placing the seal on the contract.

Ques. Did you telegraph to Leary that you had the contract?

Ans. No.

Ques. You wrote him and sent it? Ans. Yes.

Ques. You had no other communications with him at the time?

Ans. No.

Ques. Who was present when McLellan signed it you don't know because you were not there yourself? Ans. No.

Ques. Now, Mr. Murray, since the elections were over, do you know whether Mr. Leary has been asked to contribute, to arrange for some notes that fell due arising out of election matters? Ans. I don't.

Ques. How the election money was raised in St. John, whether by note or otherwise, do you know at all?

Ans. I don't know anything at all about it.

Ques. Or how that was done? Ans. No.

Ques. And how the money was raised here, you don't know?

Ans. No, not being a voter I took no interest.

Ques. You were not informed of the fact?

Ans. I had no knowledge, in any way, of it.

Ques. Your purpose was to get the contract changed to suit you, and having done that to get the seal to it, and then your instructions were filled as far as that was concerned?

Ans. Well, I considered that that business was done and all I wanted was to go to Gagetown to attend to business there.

Ques. You considered your business as far as Leary was concerned as to the contract, was done? Ans. Yes.

Ques. Your business with Leary and the dock was then done?

Ans. Well, as far as the contract was concerned I considered it was done.

McLellan?

Ques. Well, has anything else since been done? Ans. No.

Mr. Tib-

Ques. Nothing has been done in connection with the dock since?

No.

Ans. No.

ered my

Ques. Mr. Leary was back in the country afterwards after the election, was he not?

ved, and

Ans. No, I think not. If he was I have never seen him.

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Ques. Well, you would know it, would you not?

from the

Ans. Most assuredly.

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Ques. (Hon. Mr. Pugsley). Was he not here in February or March in St John?

seal on

Ans. Not to my recollection; I have been in the woods most of the time this winter.

ct?

Ques. (Mr. Hanington). Anyway if he was back here you didn't know it? Ans. No.

me?

Ques. Well, in the ordinary course you would know it because you were carrying on his business here?

on't know

Ans. Well, I should think I would.

you know

Ques. You were never before the Government in reference to the matter; you had nothing to do with the negotiations in that respect?

for some

Ans. No.

on't.

Ques. The only member of the Government you had anything to do with in reference to it was Mr. Pugsley? Ans. Yes.

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Ques. As far as you knew he had charge of everything in connection with the contract? Ans. That is what I supposed.

y?

Ques. He seemed to do whatever he pleased with reference to changing it and fixing it, did he not?

suit you,

Ans. Well, I don't know that I had any thought about that.

structions

Ques. Well, as far as you knew he did not consult anybody about it or never so informed you? Ans. I knew nothing of it.

I wanted

Ques. Well, as far as you knew he had charge of the whole thing?

concerned

Ans. I presumed so.

one?

Ques. (Mr. Pugsley). With regard to Leary being down here this winter, don't you remember some time my coming down to your house to see Mr. Leary with the engrossed copy of the contract and getting him to ratify it?

ed it was

Ans. Oh yes, because you had some doubts as to my authority to sign the contract.

Ques. That was after the election?

Ans. Yes, I had forgotten about it; he was in my house and in my room.

Ques. (Mr. Hanington). How long after the election was that?

Ans. I could not say.

To Mr. Pugsley—I remember your expressing some doubts as to whether my power of attorney was sufficient, and you wanted Leary to ratify the contract personally by his own signature.

Ques. That was an engrossed duplicate?

Ans. Yes, I recollect that you and Mr. Leary compared it and read it over to see if they were both alike.

Ques. (Mr. Hanington). How long after the election that was you don't know?

Ans. No; until he mentioned the circumstance it had entirely passed out of my mind.

Ques. (Hon. Mr. Pugsley). I think you referred to the letter the Provincial Secretary published in the St. John press about the 3rd of January, stating that he was prepared to enter into a contract with Leary at any time? Ans. Yes.

Ques. Now, I will ask you whether from that time on there was ever any doubt expressed to you by myself or any person on behalf of the Government that the contract or subsidy had been awarded to Leary? Ans. Not at all.

Ques. You took it for granted that that was the case?

Ans. Not at all sir; not one particle.

Ques. Was not all that was to be done afterwards, merely putting the contract in proper form? Ans. Yes, completing it.

Ques. But as far as Leary was concerned you understood the contract had been awarded to him?

Ans. That the Order-in-Council was passed and the contract awarded to him?

Ques. Without any conditions? Ans. Without any conditions.

Ques. Is Mr. Leary a gentleman of ample means?

Ans. He is.

Ques. (Mr. Hanington). Where is Mr. Leary now?

Ans. New York City.

Ques. (Mr. Pugsley). Is he not an experienced wharf builder and contractor? Ans. Yes.

Ques. For harbor improvements and that sort of thing?

Ans. Yes, I think he is, as far as wharf and dock construction is concerned, he has a technical knowledge, and is a practical steamboat builder, and has built revenue vessels all over the United States, and he is a practical ship builder by trade.

Ques. He is a man whose business takes him largely into harbor improvements?

Ans. Yes, he was an Inspector of Lloyds for many years, and for many years was engaged in some of the most important dock constructions in New York City.

Ques. You held a power of attorney for Mr. Leary, under which you were authorized to sign the contracts?

Ans. Yes; I also make large contracts for timber for Mr. Leary, with McLean, and with Mr. King, and another large operation at Gagetown, involving large expenditures of money all the time.

Ques. Did you ever have any knowledge of Mr. Blair having had any arrangement or understanding with Leary or with anyone on his behalf, under which Mr. Leary was to get this subsidy for the dry dock in consideration of his contributing to the Provincial elections?

Ans. No sir, never knew or heard anything of the kind. I saw Mr. Blair last evening in the House and it was the first time I had seen him for about a year; the last time I saw him was when he was coming out of the Troop building in St. John, when I was U. S. Consul.

Ques. Now, I will ask you whether you did not state to me as a reason why you were desirous of having this contract actually signed, it having been awarded to Leary that Sir John Macdonald had told Mr. Leary to come to St. John and see what the City Council would do, and get his contract with the Local Government and then come to Ottawa and the Government would take up the matter of what amount of subsidy the Dominion Government would give?

Ans. I used that as an argument for the contract. When Mr. Leary was in Ottawa he saw Sir John Macdonald and some of the members of his cabinet, I think it was early in December or November, and they talked over the matter of harbor improvements. That was after the Common Council of the city of St. John made this first proposition to him. He then went to Ottawa, he had business at Montreal with Mr. Van Horn, and he saw Mr. Macdonald and he told me that Sir John's instructions were for him to go to St. John and see what he could do with the city, then see what he could do with the Provincial Government and then you come up here about the middle of January and we will see what we can do about fixing you out as far as the Dominion subsidy is concerned. Just make up your party and come about the middle of January. I urged that as a reason why there should be no unnecessary delay in getting the contract. I think his interview with Sir John Macdonald was about the last of November.

Anyhow it was after the first meeting of the Common Council of the City of St. John. With their encouragement he went to Ottawa. He had met Sir John Macdonald before about a year ago this winter at Montreal.

Ques. You say that early in January I informed you that the Government were prepared to enter into a contract with Mr. Leary whenever he was ready to enter into it? Ans. Yes.

Ques. And you say I drew up a contract and submitted a draft to you? Ans. Yes.

Ques. The contents of which substantially you wrote to Leary?

Ans. Yes.

Ques. And in that draft contract you say that Leary, if he had signed it, would have been absolutely bound to go on and build the dock whether he got a dollar of subsidy from the city or from the Dominion Government?

Ans. Yes, that is the reason I contended so strongly for that saving clause, that in case he got no further subsidy he would not be obligated to go on and spend a large sum of money.

Ques. Don't you remember that I said to you, the Government would not think for a moment of holding him to such a contract if he did not get the subsidies he expected, but the difficulty was to draw up the contract so as to meet the case and deal fairly as between the Province and Leary?

Ans. I think I told you that I was just acting for Leary and I wanted it put beyond question, so that if he did not get any aid in accordance with the promises held out, I wanted him to be in a secure position and not at the mercy of any Government.

Ques. I think you said that about the 10th or 12th of January I told you I would prepare it with that saving clause in it?

Ans. That is my recollection.

Ques. You think that was as early as the 10th or 12th of January?

Ans. That is my recollection; I have a very poor recollection of dates, but events I can remember.

Ques. You say that subsequently, and you think on the 17th of January, I sent you word that I had the contract ready as I had told you I would have it prepared.

Ans. Yes, I went down and saw Mr. Trueman, and while I was conversing with him you came in.

Ques. You have told us that you just got that contract in time to go and catch the train? Ans. Yes.

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Ques. I will ask you if it is not true that that C.P.R. train left St. John at 4.10 standard? Ans. I think about that; that would be 4.46 local.

Ques. (Exhibiting Globe newspaper of January 17th). What time according to that table did the C. P. R. train leave for Fredericton?

Ans. 4.10 eastern standard time. That must have been the train I went on. The reason I know it was the C. P. R. train is that there were a good many young men from St. John going up to Canada to the school in Lennoxville—the parlor car was crowded with them.

Ques. (Mr. Wilson). Irrespective of public opinion and outside pressure from any direction, this transaction that you had with the Solicitor General about this contract was a strictly business transaction?

Ans. In every sense of the word.

Ques. (Hon. Mr. Pugsley). You said that you understood that Mr. G. R. Pugsley had been retained by Mr. Leary as his solicitor?

Ans. Yes, Leary told me so.

Ques. Was that not in connection with the purchase of property?

Ans. Yes, I say it was when he was buying the Sand Point property; it was to search the titles, Etc.

Ques. Did not Mr. Leary pay out in the vicinity of \$20,000 for those properties?

Ans. Yes, I know that he paid over \$20,000 for the Jewett, Mayes and other properties there.

Ques. Did not you understand that Mr. G. R. Pugsley was sick in Boston for some 4 or 5 weeks before the election?

Ans. I did; that was the current report in St. John.

Ques. And was not in St. John during the election campaign?

Ans. I did not see him.

Ques. You rather spoke as if the office of G. R. Pugsley and mine had separate entrances and no connection between the two; is not there a door common to both?

Ans. There is a large room and your office is at one end and his office at the other after you go up a few steps and through a sort of long room. They both form part of one suite of rooms. They have a common entrance, that is into the middle office.

Ques. (Exhibit). Now, will you look at the Fredericton Gleaner of January 17th, 1890, and see what time the train leaves for St. John in the afternoon?

Ans. It advertises to leave for Fredericton Junction connecting with St. John train at 2.55. From St. John it says the train leaves at 4.10 for Fredericton.

Ques. You were asked by Mr. Hanington if you did not know that it was the sending of the money to York that induced me to agree to put in the saving clause; was it ever intimated to you or did you ever hear that any such reason as that influenced me?

Ans. No, there was never any discussion between us except the discussion as to the contents of the contract.

Ques. Did you ever know of any such money being sent?

Ans. Never in my life.

Ques. You say that as early as the 10th or 12th I told you that I would have the saving clause put in?

Ans. That is my recollection, but so far as dates are concerned my memory is poor.

Ques. You are quite sure that I told you several days before the contract was actually signed that I would have the saving clause put in? Ans. I am quite sure of that.

Ques. You were asked as to what we discussed at different time. Do you remember a discussion I had with you as to a provision that the tolls should be approved of by the Governor in Council?

Ans. Yes, and I held that it was almost too much to leave in the Governor in Council's hands.

Ques. Don't you remember that I insisted upon putting it in?

Ans. Yes, and I said they might consider Leary was charging too much and put them down so low that it would be unprofitable for him.

Ques. (Mr. Hanington). What did Mr. Pugsley say to that?

Ans. He said that the interest of the Province demanded that every safeguard should be thrown around the contract that possibly could be.

Ques. (Mr. Pugsley). Do you remember my discussing this point: that I would insist that Leary should be obliged to operate the dock for 20 years?

Ans. Yes, that was not in the original draft. You put that in after the first draft, and a further change you made was that the dry dock itself should not cost less than \$500,000. That was not in the original draft.

Ques. That is to say that it should be on the basis of $\frac{1}{2}$ per centum per annum on the cost of construction? Ans. Yes.

Ques. You say that from the time the contract was sent to your house by a messenger from my office, you barely had time by running to catch the train that evening for Fredericton? Ans. Yes.

Ques. And your intention was to go down to Gagetown next morning? Ans. Yes.

Ques. And attend to work there for Leary? Ans. Yes.

Ques. Had you been waiting in town some days for the completion of this contract?

Ans. Yes, I had been waiting for nothing else.

Ques. You had duties there requiring your attention?

Ans. Yes, and urgent ones.

Ques. When you got to Fredericton you say that the heavy snow-storm prevented you from proceeding to Gagetown?

Ans. Yes, they told me it was impossible to go.

Ques. (Mr. Hanington). I think you told us the provision that the dock should not cost less than \$500,000 was not in the original draft. Are you quite sure of that? Ans. I am.

Ques. Did you see the Order-in-Council that said it should be on that basis? Ans. I did not.

Ques. As I understand you you did not wire to Leary that this contract was signed? Ans. Not to my recollection.

Ques. You would recollect it, would you not?

Ans. I think I would.

Ques. But you left immediately, ran right for the train and came up here? Ans. Yes.

Ques. And got the seal attached in the evening? Ans. Yes.

Ques. Had Mr. Leary any other agent in St. John that you know of? Ans. No.

Ques. Well, if the contract was signed as late as you say and you came right here and did not wire him, can you account for this despatch that the Hon. David McLellan read at the Institute that night from New York. How long does it take you to get a despatch to New York and reply?

Ans. It can be done in half an hour. I have done it in that.

Ques. Well, after office hours?

Ans. It can be done just as quickly with Leary as anybody as he is right handy to the Hoffman house.

Ques. How did Mr. McLellan get this information: "I am pleased to learn from my agent that the Government have signed a contract with me for the subsidy to the dry dock"? If he had no other agent, can you tell me how he got that telegram from Leary?

Ans. I certainly cannot.

Ques. Did you authorize anybody to put your name to such a despatch? Ans. No.

Ques. How he got that despatch you don't know? Ans. I don't.

Ques. It did not get there by inspiration?

Ans. No, by insulation.

Ques. Did you say that Mr. Trueman looked over the contract with you?

Ans. Yes, I said when I went down to Mr. Pugsley's office in the morning Mr. Pugsley was not there, and Mr. Trueman was in the office and he had the contracts, and while I was conversing with him about getting the contract signed so that I could get away, Mr. William Pugsley came in.

Ques. I understood you to say you had Trueman employed?

Ans. When Mr. Gilbert Pugsley was sick in Boston and this real estate matter came up —

Ques. But had you Mr. Trueman employed about this contract with the Government? Ans. No.

Ques. Then as far as you knew Trueman had nothing to do in representing Leary about this contract?

Ans. Well, in Mr. Pugsley's absence in Boston, in regard to real estate, he had.

Ques. Well, about this contract?

Ans. Well, I don't know that he had any direct connection.

Ques. Do you know of any other man in St. John that was his agent in regard to this contract? Ans. No.

Ques. From this telegram Mr. Leary, as I understand it, did not know this saving clause was in till you sent him the contract?

Ans. No, I don't think he did.

Ques. Still it says that he wanted the Government candidates to succeed in order to secure him a further subsidy. Then it was understood by Leary in some way that if Government supporters were elected that would aid him to get more subsidy?

Ans. No, Leary's position always was that unless he got a certain subsidy from the Province he would not go on with the work at all.

Ques. And whether he could get it or not would depend on whether the Government measure to give it to him would be supported in the house? Ans. I don't know.

Ques. Well, how could he get it unless it was supported by a majority in the house? Ans. No, it would not depend upon that.

Ques. Did not Leary's getting additional aid depend on whether the Government measure would get enough support or not? Ans. No.

Ques. (Hon. Mr. Mitchell). I want the witness to explain the reason why?

Ans. Because in conversation with Mr. A. A. Stockton once or twice with regard to it he said, Mr. Leary is in a very secure position here ; it does not make any difference whether the Government candidates are returned or not ; if we are elected we are just as much in favor of docks as they are. He will stand just as well if we are elected as far as subsidy is concerned as if we were not, and it would be very foolish for him to take either side. I said that was my idea exactly because both sides in their speeches favored harbor improvements—both sides were committed to dock and harbor improvements. That was the substance of my conversation with Stockton several times. He further said : I am interested in a wharf property here in St. John and we want to improve it. Mr. Pugsley, Mr. Parks and Howard McLeod, we all have an interest there, and we would like to interest Leary in that property, and I said when I get time I will write to him to see what he thinks of taking hold of harbor improvements at the head of the harbor. I expressed to Leary over and over again that so far as the political situation in St. John was concerned, both sides were in favor of harbor improvements and docks, and it did not make any difference to Leary which side succeeded because both sides were committed to the dock scheme.

Ques. (Mr. Hanington). Yet you tell me that your getting further subsidy did not depend on whether the Government measures would get supported or not ?

Ans. I understood you to ask whether it would make any difference as to whether the Government people were elected.

Ques. Well, that is not what I meant. The question I ask you is whether or not your getting additional subsidy did not depend upon the Government getting sufficient support in the House ?

Ans. I did not take any consideration of that.

Ques. Well, did not it depend upon it ? **Ans.** I don't think so.

Ques. Don't the expenditure of public money have to be initiated by the Government ? **Ans.** Most assuredly.

Ques. Then don't you know the measure initiating it could not be carried without it got enough support in the House ?

Ans. Yes, but—

Ques. Did you or did you not know—

Hon. Mr. Pugsley—I ask that the witness be allowed to finish his answer.

Mr. Wilson—Did you not state all you wanted to in answer to that question ? **Witness**—No.

Mr. Wilson — Then you may explain.

Witness — What I intended to say was this: That no matter which candidates in St. John were elected, whether Government or Opposition, they both favored dock and harbor improvements in the port of St. John, and it made no difference which party succeeded, so far as getting aid from the Government for carrying on those improvements, was concerned.

Ques. (Mr. Hanington). Then you did know that unless the Government had supporters enough of that measure that you could not get additional aid? Ans. Certainly.

Ques. And you had the Government committed to this contract, had you not? Ans. Certainly.

Ques. Then if they were committed to your contract, did you not know it was their duty to try and carry it out on their part, as far as the contract was concerned? Ans. Yes.

Ques. You had understood from Mr. Pugsley that both he and McLellan would do all they could personally to get additional aid — I mean you understood that before the contract was signed?

Ans. Why, that is in the contract.

Ques. Well, you had them committed to it? Ans. No.

Ques. Did not they tell you they would give additional aid if they could?

Ans. They did not tell me anything else but what was in the contract.

Ques. Now, you tell us that you urged upon Mr. Pugsley to put this clause in, the reason you gave him being that Sir John Macdonald wanted Leary to see what the Local Government would do, and the City, and then come up to him about the middle of January?

Ans. Yes.

Ques. Did you not know what the Government would do as to additional aid, except by the vote of the Legislature, as early as the first of January? Ans. Yes.

Ques. Then how could Leary know any further what they would do until the Legislature passed the Act?

Ans. He could not know.

Ques. Tell me why it was that you wanted it done so that Mr. Leary could go to Ottawa?

Ans. Simply for Mr. Leary to go to Ottawa. He would have his contract for \$2500 subsidy there as evidence of what the Provincial Government had done, with a clause stating that it was a preliminary

contract to one of further aid. And he wanted to show with that contract what the city of St. John had done.

Ques. Leary represented to you that it was very important that before Sir John Macdonald acted at all to know exactly what the province would do?

Ans. No, he said he wanted to know what the province would do. He wanted this contract as evidence that they were willing to grant aid for improvements.

Ques. Did you not have the Order-in-Council as early as the 30th of December stating that the contract would be given, and also the letter from the Provincial Secretary? Ans. Yes.

Ques. Had the Government undertaken to do more than that?

Ans. No more than what is expressed in the contract.

Ques. Then what is expressed in the contract is more than that?

Ans. It says it is conditional for further subsidy.

Ques. That is you need not do anything at all unless you got further subsidy?

Ans. No, but even with the \$2500 he had the option of going on if he liked.

Ques. Was it not that Leary need not do anything at all unless he got further subsidy? Ans. Certainly.

Ques. That being so what further had you got from them as showing Sir John Macdonald a pledge of the Government over and above what you had got before? Ans. Nothing whatever.

Ques. Then, when you urged him to sign this contract, so that you might submit it to Sir John Macdonald in the middle of January, it was to submit a thing that gave you nothing more than what you had on the 30th? Ans. That is all.

Ques. You tell me that Leary was in New York on the 17th?

Ans. I could not say.

Ques. When did he go to Ottawa next?

Ans. I could not tell you; whether he has been there once or a dozen times.

Ques. Has he been there once since? Ans. I don't know.

Ques. Then you got this contract mailed off in January, and you have not heard of Leary being at Ottawa since? Ans. No.

Ques. Of course, if I rightly understand you, both sides in St. John said they favored dock works? Ans. Yes.

Ques. Neither side bound themselves as to details of plans and specifications? Ans. No.

Ques. The Government said they were to approve of your plans and specifications, and your contract left it optional if you were not satisfied with the contract to do nothing. And you have done nothing? Ans. Only purchase some property.

Ques. (Mr. Wilson). The only difference between the position Leary occupied, as to the Government, after McLellan wrote this letter to Mayor Lockhart, stating he was prepared to enter into a contract at any time, and the position he occupied after the contract was signed was that he would have at Ottawa this contract as evidencing the agreement with the Government?

Ans. That is what I tried to impress upon the Committee.

Ques. (Mr. Phinney). Do I understand you you had a power of attorney from Mr. Leary? Ans. Yes.

Ques. Did you ever produce that to the Solicitor General and inform him how far that power of attorney extended?

Ans. I think I did.

Ques. Before the execution of this contract?

Ans. Yes, he either asked me or dropped me a line asking me if I was empowered to execute a contract for Mr. Leary.

Ques. You never produced the power of attorney to himself?

Ans. Yes I did.

Ques. Are you clear about that? Ans. I am.

Ques. Before the execution of the contract? Ans. Yes.

Ques. And in view of the execution of this contract? Ans. Yes.

Ques. And he satisfied himself you had full power to execute it for Leary? Ans. Yes.

Ques. And do I understand you to say that you knew nothing about money matters in connection with election affairs in St. John?

Ans. Not at all.

Ques. Did you take an interest in the election there?

Ans. Not at all; not one bit.

WILLIAM PUGSLEY, *called, sworn and examined*:

He said:—I will state to the Committee, as briefly as I can, the connection which I have had with the matter of the dock and harbor improvements at the port of St. John. Shortly after becoming a member of the Government in the spring of 1889, I made enquiries as to the position in which the subsidy of \$2500 a year stood. I was aware that that subsidy had been provided for by an Act of 1882 and I had under-

stood that a dock company had been formed and incorporated by the Legislature which had made an application for that subsidy. That was the company of which Mr. A. A. Stockton, a member for the City and County of St. John, was as I understood, one of the promoters. I learned on communicating with my colleagues that the Government was favorable to the granting of that subsidy but that there were certain objections to the personnel of that company from the standpoint of a number of them being members of the Legislature and also owing to their not being prepared to pay any money into the enterprise. I learned, however, from my colleagues and particularly from the leader of the Government, Mr. Blair, that the Government would be willing at any time to grant this subsidy of \$2500 a year, as they were authorized to do by the Legislature, as soon as a responsible company came forward prepared to undertake the work. I spoke to some gentlemen in St. John in reference to the matter and I think in consequence of my speaking to them they communicated with some persons—capitalists in the states. I may say that I had no personal interest in the matter at all, but as a resident of St. John—during a part of the year at all events for I reside part of the year in King's County—I felt that being a property owner there and being desirous of doing anything I could to advance the interests on the place, I thought the building of a dry dock would be of very great benefit, but I also thought that if in connection with the dry dock provision could be made for wharf accommodation and warehouse accommodation and terminal facilities it would be very much better than simply the building of a dry dock. I communicated those views to some gentlemen who seemed disposed to interest themselves in the matter. Subsequently in the fall of the year application was made to the Government on behalf of the St. John Dock and Harbor Improvement Co. The principal promoters of that company were Mr. James C. Robertson, of St. John, Mr. John H. Parks was also one of them and some New York gentlemen who were friends of Mr. Robertson—Jean Felix and Mr. Cochrane, of Philadelphia a banker, and Mr. Crane, an iron merchant of New York, a very respectable gentleman, and Mr. Vanslooten. In the fall of the year an application was made to the Government by them and in that application they urged that the subsidy of \$2500 a year for 20 years should be given to them. And that in addition to that in consideration of the scheme embracing large harbor improvements in addition to the dry dock, so as to provide terminal facilities at St. John, that an additional subsidy should be given (To Mr. Hanington I am not seeking to prove the con-

tents of papers not here, the papers shall be furnished if needed). These gentlemen also urged very strongly that at least \$7500 a year additional should be given beyond the \$2500 which was simply provided for a dry dock. The Government stated that their application would be considered.

Subsequently in December, 1889, the Mayor of St. John and a committee of the Common Council waited upon the Government and the representatives of the city urged very strongly that as they had made a grant of \$10,000 a year to Mr. Leary, the Government should grant to him the \$2500 which was available for the dry dock, and that if any additional aid were granted for harbor improvements it should be granted to Mr. Leary because they had made a grant to him and it was felt to be absolutely essential that in order to secure those works that the City of St. John, the Local Government and the Dominion Government should work in harmony, because if one body should give a grant to one company and another body a grant to another company, the result would be that the whole enterprise would be tied up and nothing done.

The Government I may say told the Mayor and the committee of the Council and Mr. Leary that the matter would be considered. As one member of the Government I felt that the City of St. John had selected Mr. Leary and decided to give the contract to him subject to the approval of the plans and specifications that no other course was open to the Government but also to give the subsidy to Mr. Leary, and I so stated.

On the 31st December a letter was written to the Mayor of St. John, which is in evidence, stating that the Provincial Secretary was authorized to enter into a contract making immediately available the \$2500 a year allowed by the Act of 1882, expressing sympathy with the efforts of the City of St. John in their desire to get those large improvements but stating that no additional amount could be given or could be promised until the Legislature met when they would be consulted and the result of their action would be communicated to the Mayor. That letter was communicated to the Mayor of St. John. A few days afterwards, or perhaps a day or two afterwards, I was informed that the letter which the Provincial Secretary had written was not satisfactory to the Common Council, that it had not specified that the Provincial Secretary was prepared to enter into the contract with Mr. Leary, it merely stating that the Provincial Secretary was authorized to enter into the contract, and the feeling seemed to be unanimous so

far as one could judge that as the City Council had selected Leary the Local Government must and ought to give the contract to him. Owing to the representations which were made to the Provincial Secretary, he thought it desirable, and I may say that I did too, to have it specifically stated that the Government were prepared to enter into a contract with Leary, so that there would be no doubt as to the person to whom the Government had decided to give the contract, and that they were prepared to do it in harmony with the City Council of St. John. On the day the Provincial Secretary speaks of, the third of January, 1890, when he says that he telephoned to the Attorney General, he also telephoned for me and I went over. He told me that he had telephoned to the Attorney General asking his consent to give to the Mayor an assurance, or a letter awarding the contract to Leary. That he had received a reply that the Attorney General was perfectly willing. The Provincial Secretary then told me to prepare the contract. I of course was somewhat engaged in the election. I do not think it had then been decided on whether I was to have a contest in King's County. At all events I was engaged in the two Counties of St. John and King's, but I had in my leisure begun to prepare the contract. When I had the draft completed I think I sent for Mr. Murray who I knew was acting as Mr. Leary's agent or attorney; we discussed the terms of the contract and during the discussion, either the first time or the second time I cannot just tell when, the question arose as to what the effect would be of Mr. Leary signing the contract as I had drafted it, and Mr. Murray said that it would bind Leary to go on at all events even though he might not get a dollar of subsidy from the City of St. John if they chose to change their minds, or if he did not get any subsidy from the Dominion Government. He said he thought it would bind him to go on and incur this large expenditure in St. John simply on receiving that subsidy of \$2500 a year from the Local Government. Of course I said to him that is not the intention. This contract is based upon the idea that Leary is getting sufficient subsidy to enable him to go on with his work, the \$10,000 promised by the city, and it was understood (I do not know whether through Leary or the members of the Council now) that Sir John Macdonald had given an assurance to very liberally aid him provided the City and Local Government would do something in aid of the dock as well. I recognized the force of his argument because we could not for a moment expect that he would go on building a dry dock and incur an expenditure of half a million dollars simply on the getting of a subsidy of \$2500 a year. I did not know,

however, quite how to draw up the contract to meet the case at first, but thinking the matter over I concluded that by putting a saving clause in the contract it would meet Mr. Leary's views and it would amply protect the public interest. And I drew it as I thought in such a way that if Leary did not begin working in 60 days the Government would have the right to cancel the contract. If upon the other hand Leary did not get additional aid which he expected so that he would not feel it advisable to go ahead, he would have the option of cancelling the contract himself.

Ques. (Mr. Hanington). Do I understand you that that was in the original contract? Ans. No, it was in the second one.

Ques. You have not spoken of sending the one to the Attorney General as yet?

Ans. No we have not got that far yet. (Continuing). However, the result of my thinking the matter over was to put in that saving clause and I may say that I drew the contract with the greatest possible care so far as protecting the public interest is concerned. I remember that we discussed the matter of making the tolls subject to the approval of the Governor in Council. Mr. Leary at first through Mr. Murray objected; I insisted upon it being inserted; I think when I first told him he did not agree to it and objected, then subsequently came back and acquiesced in it; in fact I told him I would not have it signed unless that clause were in it, and I think I guarded the public interests in every possible way. Then having the contract drawn with this saving clause in it, I, if I remember rightly, spoke to the Provincial Secretary—however I am not quite sure as to that—and asked him if he would sign the contract with Leary. He asked me if the Attorney General had seen the contract, and I said no. He said he would like if the Attorney General would approve of it first, and I said as I understood it the matter was left with me, and you might trust me to draw it up properly. Well, he said, he would sooner the Attorney General approved of it. I then mailed the draft of contract as finally prepared with the saving clause in it to the Attorney General, with a letter requesting him to look it over and if satisfactory to return it to me. I cannot state how many days that was before the 17th of January because my recollection as to dates is not very good and I could not pretend to remember as to dates on which the different events took place that month, because I was very much engaged, as you can very easily understand, in connection with the election. I did not hear anything further from the Attorney General until I had a conversation with him

on the Wednesday evening at Harvey, that is the Wednesday evening which the Attorney General has spoken of.

Ques. (Hon. Mr. Mitchell). That would be the 15th of January?

Ans. Yes, I think so. (Continuing). I will tell you how I came to go to Harvey. There was among the friends of the Government in St. John a desire, which was very strongly and generally expressed, to have the Attorney General come to St. John and address a public meeting in the Institute. He had never addressed a meeting in St. John and was not personally known to a great many people. He was being very roundly abused; the candidates on the other side were vilifying him; some spoke of him as a tyrant and as a little Bismark and all kinds of expressions were used in reference to him, and it was alleged that he was hostile to St. John, and in fact the *Sun* came out on some occasions stating that Mr. Blair had in York County stated that not one dollar of further aid would be given to St. John, beyond the \$2500 provided for by the Act of 1882, and a good deal of capital was being made out of this. We all thought for these reasons it was very desirable that the Attorney General should come to St. John and address a public meeting in the Institute. Communications had been had with him and, as he himself states, he felt it would be impossible for him to come. My impression is that there had been telephonic messages sent to him at Fredericton some days previously, urging him to come to St. John, but he would not come. I think in fact there had been some misunderstanding as to the advertisement which they had sent out, and some mistake had been made in them. I would know with regard to the notices, because I was frequently in the rooms of the Executive Committee, and in fact knew of what was talked of as to the meetings. However, I was requested by some of the members of the Executive Committee to go to Harvey, where it was known the Attorney General was going to speak on that Wednesday night, and urge him in the strongest possible manner to come to St. John and address this meeting. It was felt that our friends would be greatly disappointed if he did not come. While the matter was being talked of, it was intimated by some one, I cannot remember by whom, that if it would be any inducement for him to come, our friends in St. John would be willing to render some assistance in York. In that connection it was spoken of that either one or more prominent men in St. John had sent \$6000 or more to York to help the Opposition candidates. That was stated in that connection. I went to Harvey by the evening train, which reached there after dark, and if I remember rightly, at about the time the

meeting was opened. I had some conversation with the Attorney General — some very brief conversation before the meeting commenced, and I had some talk with him as well after the meeting. In that conversation I told him what the desire of our friends in St. John was. That they were very desirous he should come down to address the meeting and I urged him in the strongest manner I could. In that connection I made the statement that I had no doubt from the talk I had had with some of our friends that if he would come down they would be willing to send up some money to assist in the election in York. I think I mentioned about \$1000 and possibly a little more. He told me he could not say whether he would be able to come or not. He said he had engagements in the County and that his friends were very urgent that he should remain; he also said that if he went out of the county and anything went wrong in the election the blame of it would be laid on his shoulders and it would be said that he had gone away when he ought to have been working in York County. However, he said he would let us know next day. I returned home to St. John the same night by the night train. Before I came away—I am not sure whether this was in my conversation before or in that after the meeting—I said to the Attorney: I sent you that draft contract between the Government and Mr. Leary, which you did not return. He said to me: By the way I have forgotten all about it; to tell you the truth I have not read it; I have been so very busy in the election. I explained to him in a general way what the provisions of the contract were, but not going into the terms of it except in a general way. He did not express any dissent from it. He, I think then told me to telegraph to Mr. Barry to have the contract sent to St. John, telling me that it would be found among his papers either at his house or office. That is my impression—and that I went to the telegraph office—he was busy talking to the electors or addressing the meeting I don't know which—but my impression is that he told me that I could send the message in his name. He may possibly have written or signed the telegram. However, I know that I did so and returned to St. John by the next train; that would be on the morning of Thursday the 16th of January. The contract had to be engrossed and a duplicate made of it.

Ques. (Mr. Wilson). Did you explain to the Attorney General shortly the clauses of the contract?

Ans. Yes, shortly the clauses of the contract.

Ques. And the contract is as that draft which you sent to him?

Ans. Yes, I did not go into details.

(Continuing). I came down to St. John by the next train as I told you. The contract had to be engrossed; I put it into the hands of my typewriter with instructions to make fair copies and I think on that day I dropped a line to Murray.

Ques. (Dr. Atkinson). Do you say that the contract was in writing when you sent it to the Attorney General?

Ans. When I say writing I may say that everything is generally done on the typewriter and I am now only speaking of the usual custom in which things are done in my office. (Continuing). As I was saying I think on that day I dropped a line to Murray asking him to call in and to execute the contract. It is quite possible I may not have dropped a line to him until Friday morning, but I am under the impression now that I did it on Thursday evening. However, on Friday the contract was signed by Murray in duplicate as agent or attorney for Leary. Murray produced to me at the time a document of some kind—I do not know what it was—showing a general authority from Leary to act for him, but there was no specific authority to execute this particular contract. It was a general authority probably, I think a general power of attorney. It was also executed by Mr. McLellan, but just here my memory does not serve me where it was executed by McLellan, or what time in the day it was executed I could not tell you. Of course I am not at all surprised at my not being able to remember as it was getting pretty close to the election and there were a great many things to attend to. I was being consulted by various people, and meetings were held and therefore I am not surprised that the time it was executed or the place where it was executed should pass out of my mind. After McLellan signed it I remember sending it to Murray's house with a memo from the Provincial Secretary to Mr. Tibbits to affix the seal. I may say that I remember Murray stated to me that he was going up river to Fredericton or Gagetown, I don't remember where now, but he asked if he could not take it and have the seal attached. To which I saw no objection and I thought it necessary to have a memo from the Provincial Secretary to Mr. Tibbits to have the seal attached, which Mr. McLellan wrote and I sent that with the contract to Mr. Murray. I kept the duplicate signed by Murray in my own office.

Ques. (Mr. Hanington). Do you say that McLellan signed the duplicate?

Ans. I don't remember exactly as to that; there was no particular

reason why I should not have sent the duplicate to fyle at Fredericton. But I laid it away in my own office and subsequently, I could not tell you when but it was after the election, I heard of Mr. Leary being in the City himself, and I thought better as this was a public document to have the power of attorney attached to the document showing Murray's powers, or to have the signature of Leary himself to show its due execution by Murray. I therefore called at Mr. Murray's house—my impression is that Mr. Trueman was then with me but I am not sure—at all events I called at Mr. Murray's house and I got Leary to sign a ratification of Mr. Murray's execution of the contract and I then sent it to Fredericton requesting Mr. Tibbits to have the seal of the Province attached to the duplicate and to get Mr. McLellan's signature to this engrossed duplicate and to fyle it for further reference as it would be necessary of course to have it on fyle. That is the history with regard to the signing of the contract and the contract itself.

With regard to the granting of additional aid I have no hesitation in saying that I always, both publicly and privately stated that as far as I was concerned I would advocate in the strongest manner possible the granting of additional aid for harbor improvements in St. John. I stated that to be so in my card published to the electors of King's County. I stated it upon many of the platforms in St. John. I stated it privately when spoken to on the subject and I never expressed but the one opinion—that in my opinion additional aid ought to be given, and that I for one would insist as far as I had any influence in the strongest manner possible to have this additional aid granted. I took that view early in the contest, when I issued my card to the electors of King's County, the moment the writs were issued. I put that forward on many a platform and never varied from it, and no man can say I ever made a private statement or public statement with reference to the subject different from that which I have made on the public platforms.

With regard to the sending of this \$1500 to York County, that was talked over as I said and after I returned to St. John on Thursday morning I stated to some of the committee, I think to Alderman Kelly among others, that the Attorney General thought he would be able to come to St. John but he had not decided to, and subsequently in the day word came from him that he would be down to address the public meeting in the Institute. The matter of sending this money to York was spoken of, and Mr. Kelly stated he would attend to that

himself. He told me he would send it up by the evening train. I think he said he would take it himself on Thursday evening. In consequence of what he told me I telephoned to Barry that there would be a messenger up from St. John and for him to see him. I supposed that whatever this messenger took up to Mr. Barry would be delivered to him that night. I never heard or knew of any condition whatever with reference to the handing of it over. I never knew and I did not know that Kelly intended waiting until anything took place next day and when he told me that the messenger was going up that evening I supposed it would be delivered to Mr. Barry that evening. I may say as to the sending that it had nothing whatever to do with reference to the execution of the contract with reference to the dry dock. Such a thing was never intimated to me; such a thing was never suggested to me; but it all took place in the way I have described. So far as Mr. Blair is concerned I had never intimated to him, until that evening at Harvey station, nor suggested in any way that funds would be contributed to assist in his election from St. John. The subject of contributing funds for the election was never mentioned between us. It was never at any time mentioned in connection with the dock, nor was it ever mentioned in connection with the signing of the contract in any manner at all. On the day the Attorney General came to St. John I did not see him until dark. I called up at the hotel—my impression is that it was after dark before I saw him on that day; a lot of other people were there, different friends were calling to see him and I was not alone with him at all. And after a few minutes conversation with him in the presence of the others I left and did not see him again until I met him at the Institute. I may say that anything I did in connection with the awarding of this contract to Leary or in making the contract, I was simply actuated by the desire to advance the interests of St. John. I had no private interest in the matter directly or indirectly and no interest whatever in it either directly or indirectly. I thought Mr. Leary was a good man, a competent man to undertake these works; he had the reputation of being a practical man, and a man of wealth, and I felt it would be very much in the interests of the public that a man like him, with capital, should get hold of these works in St. John. That I think is all I have to say unless some gentleman of the Committee desires to ask me questions.

Cross Examined by Mr. Hanington.

Ques. Have you got that draft contract with you that you sent the Attorney General? Ans. I have not.

Ques. You know this clause—and this question of amendment which has been before the Committee?

Ans. What you call the saving clause, yes. I presume the draft of that is in my office at St. John.

Ques. You took no trouble to get it up here?

Ans. Not the slightest.

Ques. You knew the Provincial Secretary was interrogated as to it? Ans. Yes.

Ques. There was ample time to have got it here?

Ans. If I thought for a moment it was required.

Ques. Who is right, you or Murray when he says you did not seek to put that in at all till some 10 or 12 days?

Ans. I did not understand him to say 10 or 12 days, I understood him to say 10th or 12th January that I consented to put it in.

Ques. That is what you understood him to say?

Ans. That is what I understood him to say and swear.

Ques. Do you say that is correct?

Ans. No, I could not say as I told you before as to dates.

Ques. Did you not hear him say that it was a fortnight after the first draft was drawn?

Ans. I did not understand him to say that but I understood him to say that it was about a fortnight from the time the first draft was drawn until the contract was finally signed, that is what I understood him to say. I understood him to say it was about the 10th January or the 12th January that I put it in.

Ques. Do you say that?

Ans. I cannot say, I cannot remember.

Ques. Will you swear that the draft is exactly the same as the contract is now when you sent it to the Attorney General?

Ans. That is my belief. I will swear to the best of my recollection and belief it is the same. I have not seen it since. I cannot remember dates and the reason for saying I believe it to be the same is that I do not remember making any alterations in it after it came back from the Attorney or rather after it came back from Fredericton. I can remember facts but not dates.

Ques. Is your memory so good that you will say that you did not put that clause into it after it came back from Fredericton?

Ans. Yes, I will swear it was in the contract as sent the Attorney, and I will say that I mentioned that to the Attorney General that there was a provision of that kind in it.

Ques. And that clause is exactly now as it was then, will you swear that?

Ans. I think so. I think it is to the best of my recollection.

Ques. A few words of change in that about the additional subsidy would change the whole purport of it?

Ans. I do not believe I changed a word in it.

Ques. Will you swear you did not?

Ans. That is as much as I can swear.

Ques. You heard him swear it was some considerable time after he first saw it when you agreed to change it?

Ans. He said it was some little time.

Ques. He says he saw you some 3, 4 or 5 times and there was a day or two between each time, did you hear him say that?

Ans. No, I did not.

Ques. Are you prepared to say to the contrary if he did say that?

Ans. It is not true according to my view. I made no great objection to the change in it because that was our opinion and the difficulty was to do it, that was our intention.

Ques. You knew that the Order-in-Council does not say any such thing? Ans. It does not mention it.

Ques. Nor does the Provincial Secretary's official letter?

Ans. No.

Ques. Then whose intention was it?

Ans. Mine, and it was well understood by all the members of the Government that unless Leary should get a subsidy from the Dominion Government and the City of St. John, it would not go ahead.

Ques. I ask you if the Government does not speak its intention by its orders?

Ans. You know as well as I do. You were a member of the Government yourself and know as well as I do. It is a matter of constitutional law in respect to which I am not supposed to give any opinion.

Ques. Will you swear you do not know?

Ans. I tell you I do not propose swearing about it.

Ques. Do you not know that the only mode a Government can speak is through its orders as to its intentions.

Ans. That is the only mode in which it can bind the Province.

Ques. Or bind the Government as a Government? Ans. Yes.

Ques. And the Order-in-Council had no such condition in it?

Ans. I think not.

Ques. Then you by Order-in-Council order an absolute contract without condition, with an understanding among yourselves that you were pledged to do something yourselves? Ans. No.

Ques. You said it was understood among you all?

Ans. Wait till I tell you what I have said. It is this—that it is well understood that while Mr. Leary might go on and complete those works with the \$2500 provided by the Government, provided he got a sufficient amount from the Dominion in addition to the subsidy from St. John, yet it was well understood that unless he got somewhat of a subsidy beyond the mere \$2500 he could not go on with the work—that was what was well understood by every member of the Government.

Ques. Was it understood that in order that he could go on with the work he should get additional subsidy from the Province?

Ans. Not necessarily.

Ques. Is this contract drawn that way?

Ans. No, if he does not go on we are not bound to give him a dollar.

Ques. Then you say that the understanding was he might go on if he got other aid, but does not that say he is not bound to go on unless he does get further aid? Ans. Clearly so.

Ques. Then was there any understanding on the part of the Government that he was to have it from the Province?

Ans. No understanding that he should have it from the Province, the Government did not bind themselves in any way to give him further aid. The letter of the Provincial Secretary of 31st December states the views of the Council as to that.

Ques. It is absolute, is it not?

Ans. It refers to further aid that might be given when the Legislature was consulted.

Ques. You told us that by the Order-in-Council that he should be relieved from the work provided he did not get aid from the Dominion? Ans. The Order-in-Council speaks for itself.

Ques. I am not speaking about the Order-in-Council—you said he need not go on with the work unless he had aid from Ottawa?

Ans. I did not say that.

Ques. What did you say?

Ans. I said that it was well understood that while he might go on with the \$2500 subsidy provided he got additional aid from the City of St. John and the Dominion Government, yet it was well known and understood that unless he got a Dominion subsidy and a City subsidy he could not go on simply with the Provincial subsidy—that is what I said.

Ques. With the \$2500 provided for by the Order-in-Council, and then aid from the City and aid from the Dominion of Canada to the extent of \$30,000, was it understood that he need not go on?

Ans. It was generally understood he would go on if that was the case.

Ques. Does not this contract relieve him unless he gets further help from the Province in the matter, even if he got \$50,000 from the Dominion Government? Ans. There is the 60 days.

Ques. Answer my question? Ans. At the end of 60 days.

Ques. But does not that give him the option of going out?

Ans. Certainly it did give him the option of retiring from the contract.

Ques. Then it did relieve him?

Ans. No relief about it; the contract would be void. It did not relieve him; it simply provided that he had the option of retiring from the contract if he did not get sufficient aid.

Ques. Does it not provide that he could retire if he did not get additional Provincial aid? Ans. Yes.

Ques. When did you draft that contract?

Ans. About the time the Provincial Secretary wrote that letter to the Mayor on the 3rd January, and it might have been a day or two afterwards—it would be almost simultaneously.

Ques. Did you agree that it should be changed until he had got back word from Mr. Leary?

Ans. I have no knowledge of his getting any word from Mr. Leary at all.

Ques. Then, if I understand you rightly, you said you were up in King's County, and did not know when you would be back?

Ans. I was not in King's County. To tell the truth I did not want

to stir up opposition there, but I said it had not been decided I would not have opposition. I did not say I was in King's County.

Ques. But were you up there?

Ans. Yes. My present impression is that from the time the writs were issued, until nomination day, I only went up into the County once or twice — I had something else to do — correspondence and things of that kind. I went once, almost immediately after the writs were issued, to Sussex, by the evening train, leaving St. John ten minutes past five, and found the feeling there pretty good, and then returned to St. John by the night train. I then remained in St. John till —

Ques. Then you went out into the County of St. John and made speeches, did you?

Ans. I do not think that I spoke in the County at all. My time was principally spent in the City of St. John, and I was devoting considerable attention to speaking at night.

Ques. And managing election matters?

Ans. I was assisting to manage.

Ques. You had an Executive Committee there, and you were part of that? Ans. No.

Ques. Had you nothing to do with the finances? Ans. No.

Ques. Nothing to do with their management?

Ans. Not one iota.

Ques. Do you know how the money was raised?

Ans. No, I know nothing about the money being raised, only what I heard. I object to stating what I heard.

Ques. You have told us part of a conversation about the raising of money to send Mr. Blair, and then you swore a little while ago that they said that \$6000 was sent by the other side to York. I want to know who was there at that time?

Ans. Kelly was there and some other members of the Executive Committee but who they were I really do not know. I cannot remember any of the others except Kelly. There were others in the room at times, Mr. R. B. Humphrey and Mr. John McMillan and the candidates were there. I cannot remember any other person but Kelly being there just at that time. There may have been several there but I cannot tell who they were. The sending the \$6000 to York was spoken of in the committee room. At that time there were others passing in and out and little knots of people around attending

to one thing or another, and I cannot place the different persons who were then present at that conversation. The \$6000 was spoken of generally in the room. I have not any recollection of who said it.

Ques. Did you not say that in this conversation that it was spoken of sending money to York, that somebody said the other side were sending \$6000 to York. Did you not swear that?

Ans. I did not intend to say that it was just at that particular moment. It was not at the same conversation that the \$1500 was spoken of; it was in that connection.

Ques. But in the conversation did you not say it was spoken of sending money to York, that there was \$6000 spoken of as being sent for the Opposition, and that it was right to send to the Attorney, or words to that effect? Ans. No.

Ques. Tell me who it was that said that \$6000 would be sent to York? Can you tell me that? Ans. I cannot tell you that.

Ques. Do you know of any money being sent to York by the Opposition? Ans. Not of my own knowledge.

Ques. You had no knowledge of any money being sent to York by the Government party?

Ans. I know what I have told you simply and that is what Kelly said he would send — the \$1500.

Ques. Did he say that at the meeting he spoke of there?

Ans. I don't know whether it was that meeting or some other meeting — I cannot remember, but I know he said that.

Ques. Who was present beside you and him when he said that?

Ans. I could not tell you. It was in the Executive Committee room; there were a good many people coming in and going out.

Ques. When I ask you who was present——?

Ans. I don't remember.

Ques. Was it spoken of more than once by you and Kelly?

Ans. It was spoken of before I went up to Harvey, and then it was spoken of after I returned.

Ques. That being so it must have been spoken of twice?

Ans. Yes.

Ques. Was Kelly present on both times?

Ans. Yes both occasions.

Ques. Now tell me who else was present beside you and Kelly?

Ans. I don't remember.

Ques. Was Carvell there—was Quinton there?

Ans. They were out of the committee room and in.

Ques. Were they taking part in the conversation?

Ans. I don't remember.

Ques. You cannot remember whether Quinton was there?

Ans. Not at that particular time.

Ques. Can you remember whether McMillan was there at that particular time, or either of those times you have mentioned?

Ans. My impression is that McMillan was there on the first occasion when it was spoken on before I came up to Harvey.

Ques. Did he say he would assist in it?

Ans. I don't remember him doing so.

Ques. Did he take any part in that conversation?

Ans. I don't remember.

Ques. Was there nobody but Kelly then that talked about it?

Ans. I don't remember about that.

Ques. Do you not know that Kelly was very anxious for the docks?

Ans. I have no reason to suppose he was more anxious than a thousand other people.

Ques. Answer my question. Was he anxious for the docks or not?

Ans. He seemed to be.

Ques. One of the most anxious men for the docks in St. John, was he not?

Ans. Really I don't know; there might have been others that I did not meet that were more anxious. How do you think I could tell that?

Ques. I ask you from your own knowledge?

Ans. I have only to judge of people from what they say and do.

Ques. You don't know that I am speaking of your own knowledge?

Ans. Certainly.

Ques. Then tell me as far as you know?

Ans. How could I judge of that.

Ques. As you say from what you heard and saw them do?

Ans. He appeared to be anxious to see these public works go on.

Ques. He was anxious for Leary to have the contract?

Ans. I don't know that he was anxious for him to have it; he told me he was in favor of Leary getting it and told me that Leary he thought ought to have the contract.

Ques. He told you Leary ought to have the contract and favored

his getting it, and still you don't know whether he was anxious for it or not? Ans. He seemed desirous for Leary to have it.

Ques. Kelly is a man of considerable influence there, is he not? He employs a good deal of labor?

Ans. Kelly is supposed to have some influence in his own ward and is a man very much respected in the City generally, and very highly thought of, I think.

Ques. That being so was he not in support of the Government?

Ans. I always understood that he was at least during this campaign.

Ques. Did he not tell you and did you not hear that he said his politics principally were for this dock business?

Ans. No, he never intimated such a thing to me. More than that he told me he was going to support the Government long before the dock matter was spoken of generally. Mr. Kelly is a man who, once he says he will do a thing will do it.

Ques. How long before you went up to see the Attorney General was it that Kelly told you he would send the money up?

Ans. My recollection is that he did not say he would send it up positively, on that day. It was when I returned after seeing the Attorney General he said that he would send it.

Ques. About what time did you go to see the Attorney General?

Ans. I went on the evening train.

Ques. Did he say "We will send it" or "I will send it" or "I will contribute"? Just tell us his words as near as you can?

Ans. My recollection is that he said if the Attorney General would come down and address the public meeting that he had no doubt he would be able to send as much as \$1000 up to York. I can't give his exact words.

Ques. Because you thought if the Attorney General came down it would help the Government ticket—wasn't that it?

Ans. I presume that was the object of having him come.

Ques. And the stronger the Government supporters were then the greater probability of having them give this additional subsidy?

Ans. That question does not arise.

Ques. Will you swear you did not mention to Kelly anything that day on the subject of the contract to the docks or he to you on that Wednesday?

Ans. No, I won't swear that; I don't think I did nor him to me.

Ques. You had not the slightest talk on the subject?

Ans. Nothing about it at all as far as I can remember.

Ques. Then when you went up there had you any intention of getting the contract? Ans. No, it was not in my mind when I went.

Ques. Nor before you went?

Ans. Well, I tell you this: I was wondering what was keeping the contract, I was expecting it every day by mail.

Ques. You had no intention then of going to see about that?

Ans. I did not go to see about that.

Ques. Did you telegraph about it? Ans. No.

Ques. Did you telephone for it? Ans. No.

Ques. But you went to the Attorney General to Harvey and got authority to sign a telegram for it?

Ans. My recollection is that I wrote the telegram on his communicating to me where it would be found.

Ques. However, you sent the telegram in his name for it?

Ans. Yes.

Ques. Then it came down to St. John on the 16th?

Ans. I presume it reached there on the evening of the 16th or on the afternoon train of the 16th. It might possibly have reached St. John early on the 16th.

Ques. And you had it written out and executed, but the time it was executed, the next day, you don't know?

Ans. No, I could not tell you exactly.

Ques. Do you remember seeing the Provincial Secretary before noon or about noon of the day you got it and got his promise that he would complete it whenever you brought it to him?

Ans. No, I don't remember that; but it is not because my memory is bad — as I said I cannot remember dates but can facts.

Ques. You heard the Attorney General's evidence? Ans. Yes.

Ques. Did you hear him say that he had no recollection of discussing the contract with you? Ans. I don't think he said that.

Ques. Did not he say that he had not examined it?

Ans. He said he had not time to look at it.

Ques. Did not he say that he had not any discussion with you at all?

Ans. We did not speak very much; I know I said to him in a general way what its provisions were.

Ques. If what he says is correct it must have been in a very short way?

Ans. Yes, his recollection would not be so good on that point as mine as he was very busy with his meeting.

Ques. Did you go in again in the forenoon, or about noon, to the executive rooms and tell the Provincial Secretary that the contract was ready, and did he say that he would sign it when you brought it to him?

Ans. I simply remember the fact of the contract being signed on that day, and that is all I remember.

Ques. You heard the Provincial Secretary swear, that is a fact, that he saw you on that morning?

Ans. I have no doubt what he said is true, but I don't remember it.

Ques. Then your memory must be bad as to facts?

Ans. I told you that I might forget the date but I have a good memory for facts; still I don't pretend to say that I did not forget something that occurred some two months ago.

Ques. Did you tell the Attorney General that they had sent the money? Ans. I did not tell the Attorney General as to that.

Ques. Would it not have been a matter of congratulation for you to have let him know that?

Ans. No, it was late when I saw him in St. John and I don't think I informed him; in fact I am sure I did not. It was enough, I thought, to have let him know that some of his friends in St. John were willing to assist him.

Ques. You had no intention to conceal anything from him, had you?

Ans. No.

Ques. Then when he came to St. John why did you not tell him about the \$1500 which had been sent up to help carry the York election? You say that you had no intention to conceal anything from him?

Ans. There was no necessity for my concealing it from him.

Ques. And therefore it was that you did conceal it from him?

Ans. I did not conceal it from him.

Ques. Well, you did not tell him about it?

Ans. That is not concealing; concealing is something you are keeping back designedly.

Ques. Did you not think of it in his presence in St. John?

Ans. Never thought of it. It did not occur to me. I do not now remember that I thought of it. I would not swear I did not, but I did not think it a matter of consequence.

Ques. How did you know to send it to Barry?

Ans. I knew that he was looking after the election in York. I knew that as it came down in a letter from Mr. Barry to a friend in St. John, who had shewn it to me, asking him to look after some non-resident electors, and I had a very shrewd suspicion that if the money

was sent to Barry that he would see to it for the party, and I felt it was perfectly safe in sending it to him. I do not know that he had any larger sum, and I never inquired how much. I did not ask him if he had other funds — no idea as to that at all.

Ques. Then do you tell me that when you sent up that money to him that you had no idea he had not charge of other finances?

Ans. Yes. I did not know, as I said I had a suspicion it would be all right.

Ques. Did you not know that this was a most serious offence against the laws of the country? Ans. No.

Ques. Was not the sending of money to influence votes and the electors a most serious offence?

Ans. It was to help in the election — to pay election expenses.

Ques. Will you swear that you had any idea of confining it to that; you know that it would not take anything like that \$1500 to pay such expenses, and that it was for refreshments or bribery?

Ans. Well, I know in St. John that the legitimate election expenses are a great deal more than \$1500.

Ques. I am not asking you about St. John — will you swear that you believed at that time the money was only to be expended in lawful election expenses?

Ans. It did not occur to me one way or the other.

Ques. Whether to be spent for lawful or unlawful purposes?

Ans. No. I thought that might fairly be left to the discretion of Mr. Barry.

Ques. If it was for unlawful purposes (do you not know it would be) it would be sufficient to disfranchise your leader for seven years, and that it was a nice position for the Solicitor General of the Province to put his leader in?

Ans. I should think it would be a very improper thing to do, if it were an unlawful act, and it would be a very improper thing to do an unlawful act. But there was nothing unlawful in sending the money, how Mr. Barry would dispose of the money would be a very different matter.

Ques. Then, in your opinion, there was nothing unlawful or improper in doing it — then why did you not tell the Attorney General at St. John about it, and satisfy him as to it, and not leave him in doubt?

Ans. Because there were other matters to speak of, and there was no object in speaking about it. There were a great many other things to speak of, and that one did not arise.

Ques. If for lawful purposes, then it would have been gratifying to him to know that his friends had given him a present of \$1500 ?

Ans. I did not know whether it would or not be very gratifying to him, at all events I did not speak to him. I will swear that on that subject.

Ques. I ask you if you did not purposely withhold it ?

Ans. I did not.

Ques. Had you anything to do with the raising of that money ?

Ans. Nothing whatever.

Ques. Do you not know it is in evidence that that money was recouped out of the election fund ?

Ans. I know it is in evidence that Kelly was recouped by subscriptions which he collected.

Ques. Did he not swear it came out of a general fund.

Ans. He said he was recouped by subscriptions for the election fund.

Ques. If out of subscriptions for the election fund, and then was it not out of the general election fund. However, we will not discuss that now. That being so I ask you if you do not know that notes went to dishonor sometime in March and that Kelly came up here to Fredericton and discussed the matter with some of the members of the Government ?

Ans. As counsel for Mr. Blair it seems to me this is irrelevant and I object to answering it. If there are any notes they should be produced here. Do I understand your question has reference to the \$1500 sent here ?

Ques. I have reference to the general election fund ?

Ans. I know of no notes in connection with the \$1500 whatever.

Ques. Do you know of any election notes that were negotiated or upon which money for the election fund was raised and which notes went to protest, and in reference to which Mr. Kelly came up here to speak to members of the Government about ?

Ans. I do not know of Kelly coming up here at all.

Ques. Do you know of election notes that went to protest in March ? (Objected to. Ruled out by majority of Committee).

Ques. Do you not know that Mr. Leary's friends have been requested to pay these very notes ?

Ans. I do not. I have no knowledge whatever of anything of the kind.

Ques. Are you the agent for Leary ? Ans. No.

Ques. Never have been ? Ans. Never have been.

Ques. Your brother was ill during the election? Ans. Yes.
The Leary telegram was here read as follows :

" NEW YORK, January 17th.

" HON. DAVID McLELLAN, Provincial Secretary,

" St. John :

" I am pleased to learn from my agent that the Government have signed contract with me for subsidy to dry dock. The other improvements, which I am prepared to make, will depend upon the people of St. John supporting the Government candidates, so as to aid me in securing further subsidy. I have already expended \$20,000 in acquiring land in your City for the proposed works, and have all arrangements completed to go ahead immediately on the additional subsidy being granted. I wish you and your ticket success.

" J. D. LEARY."

Ques. Did you have anything to do with getting that telegram or asking for or procuring that telegram? Ans. I did.

Ques. Yes?

Ans. My impression is that I did. I am quite sure that I did have something to do with it, but I do not know it was exactly that telegram.

Ques. But a telegram of that import?

Ans. I could not quite say that.

Ques. Did you profess to act or try to get a telegram like that on the strength of his having heard about the contract being signed?

Ans. I could not tell you that. There was a telegram sent to Mr. Leary in connection with the contract.

Ques. On the day it was signed?

Ans. I think on the day it was signed.

Ques. Who was it sent by? Ans. I do not know.

Ques. Had you anything to do with the sending of it?

Ans. My impression is that I had.

Ques. Did you suggest it should be sent?

Ans. I hardly think I did.

Ques. In whose name was it sent?

Ans. The telegram would speak for itself.

Ques. Was it in the name of your brother? Ans. I am sure not.

Ques. In whose name was it?

Ans. I could not say; I know it was sent.

Ques. Was it signed in your name?

Ans. I have no knowledge it was.

Ques. Was it sent professing to come from Leary's agent?

Ans. I do not know; whatever telegram was sent would speak for itself. It was suggested that if Leary would wire to St. John asking his friends to support the Government, it might have a good effect on the election, and that telegram was sent by some one — I do not know by whom.

Ques. That was on the strength of the contract being signed?

Ans. It was understood that Mr. Leary had the contract since the third of January and it is important to remember that he had had it from the third of January and that the signing of the contract was a matter of form.

Ques. Was that telegram, which it was hoped you would get from Mr. Leary, based on the fact that the contract had been signed?

Ans. That I cannot tell as I do not remember.

Ques. Will you say that you did not suggest sending for it yourself?

Ans. I do not think I did.

Ques. Who suggested it with you?

Ans. I could not tell; it was talked over by some of the friends of the party.

Ques. Can you state where it was suggested?

Ans. In the Committee Room.

Ques. Tell me who was in there?

Ans. The Executive Committee consisted of a good many people, and I could not say.

Ques. Was Mr. Kelly there?

Ans. I do not know. I do not remember Kelly being there or having anything to do with this. It had been stated that he should be requested to communicate with his friends in St. John as to his acquiescence in the arrangements that had been made, and that it was wanted to convince the public mind that the Government were acting in harmony with the City Council in St. John, and the matter was talked over.

Ques. It was done for political effect?

Ans. Certainly.

Ques. That could not have been done had the contract not been signed? Ans. Yes, it could.

Ques. Why?

Ans. Because from the 3rd of January the contract was awarded to him.

Ques. In the *Sun* newspaper, of the 14th January, there is a report

of a speech made by Mr. Smith, which I may say, was only one of a number of similar statements which were being made, both publicly and privately, that the Government were simply humbugging Leary — that was the charge which our opponents somewhat unscrupulously, I think, on the part of some of them, knowing as they must have known, that the Government had decided to give the contract to Leary, and they were seeking to create the impression that the Government did not really intend to give it to Leary — that was the impression they were seeking to create right along — and on the 14th January, the *Daily Sun* has this report of the speech of Mr. Smith who belonged to Carleton, who lived in Carleton and who was a supporter of what is known as the Leary scheme in the Council, on the occasion I refer to, he is reported to have made these remarks: (Mr. Pugsley here read extract of speech as already reported in the evidence of Mr. McLellan).

There is a statement made on the fourteenth, eleven days after the letter from the Provincial Secretary to the Mayor, stating that the contract would be given to Leary. Unfortunately about that time there appeared Letters Patent granting a charter to the Vanslooten company and that created the impression that the Government had given Letters Patent to that company with a purpose. We tried to explain that it was not a matter of discretion at all, that as the company had applied for the charter the Government were bound to give the charter, and then we were charged with insincerity. Our friends thought it desirable to have some telegram sent down from Leary stating that he was satisfied with the contract that had been given to him and it was done for political effect; it was supposed it would quiet the public mind and break the force of the statements which had been going around. That was the sole object of it, so far as I know.

Ques. Did you not advise it to be done?

Ans. I thought it would be advisable.

Ques. Did you not write the telegram to New York?

Ans. My idea is that the telegram was written by some one else.

Ques. Was it not written by yourself?

Ans. I do not know I drafted it; I certainly did not draft it.

Ques. Then it was for the political effect it would have, so as to satisfy the friends of the Leary dock, and those interested in having the dock, that Mr. Leary had the dock contract?

Ans. No, it was to satisfy the whole public that the Government were sincere and that Leary was satisfied himself.

Ques. Included in the public would be those who wanted the dock?

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Ans. They would be included, the great masses were interested in it.

Ques. And was not that contract signed that very day for the same purpose? Ans. No, it was not.

Ques. It was no element in it, was it?

Ans. No, because, according to my judgment, Leary might just as well have sent the same telegram after the Provincial Secretary's letter of the 3rd of January.

Ques. The time in the day it was suggested to send this telegram to New York, you do not know — was it not as early as 12 or 1 o'clock?

Ans. I have no memory of the hour.

The Committee adjourned till 8 p. m.

COMMITTEE ROOM,

Resumed at 8 o'clock.

Committee all present.

APRIL 15th, 1890.

Mr. Pugsley—In further answer to the question asked me before adjournment, I would say, that is to the best of my recollection, it was late in the afternoon, quite late.

Ques. What do you call quite late?

Ans. Probably five or six o'clock, and I am confirmed in that from the fact that the answer did not come back till late in the evening. The answer could not have come until the neighborhood of ten o'clock.

Ques. How long would it be from the time it was sent until the answer?

Ans. It must have been four hours, or in that neighborhood; I am only now speaking from recollection.

Ques. The despatch that was sent for that, you said you do not know whether you drafted it or not?

Ans. I am quite sure I did not draft it, but may have copied it and signed it. I am telling you all I know about it. I remember some one drafted it, or some kind of a telegram, but who copied it, I am not sure.

Ques. Do you not think you went down to the office and sent it yourself, or did you?

Ans. I am positive on that point that I did not go to the office to send it. I may here say that Mr. McLellan knew nothing whatever about it.

Ques. By that despatch to New York they would know you wanted an answer immediately? Ans. I do not know.

Ques. Whatever despatch was sent, for this despatch will shew on its face, it was urgent? Ans. I do not remember that.

Ques. (Mr. Atkinson). I wish to ask you if you know whose name was signed to this despatch?

Ans. I do not remember, my own name probably may have been signed to it, that is to the telegram requesting Mr. Leary to wire to St. John a telegram saying he was satisfied that he had the contract, so that it might satisfy the people that we were not giving it to the Van Slooten people.

Ques. It was one thing that struck me, if Mr. Murray's name, the agent, was forged to this despatch, as it commences by a statement in reference to his agent?

Ans. There were others acting beside Mr. Murray. There was Mr. Hurd Peters, and it may have been thought to have come from him, he had been doing some business for him during my brother's absence (some real estate business) and I do not know. My brother was in Boston at the time, and he may have had some communication from him.

Dr. Atkinson — The answering despatch says: "My agent," Etc.?

Ans. He may have heard from Mr. Peters or Mr. Trueman or my brother, but I never was Mr. Leary's agent in any view of the case. I never acted for him in any manner, shape or form.

Ques. And if sent by you, it was for election purpose to elect the ticket?

Ans. It was to have an effect upon the public mind to do away with the false impression that was created. I stated before tea that owing to the unscrupulousness of our opponents, now I wish to explain what I meant. I then referred particularly to the speech of Alderman Smith, and I felt it was quite unjustifiable for him to make the statement he did, because he was an Alderman and the letter written by the Provincial Secretary to Mr. Lockhart on the third of January, stating the Provincial Secretary was ready to enter into the contract, was satisfactory, and it was so felt in the City Council, and therefore I felt it unjustifiable on the part of Mr. Smith to state what he had there stated.

Ques. He had not much faith in your Government?

Ans. Of course we expected them to use all the arguments they could against it. When I used the word unscrupulousness, I had reference to that speech particularly, and I regret very much what

occurred afterwards in connection with that telegram as there was no doubt misapprehension respecting it, and it was charged and intimated that no telegram had ever come from New York, at all.

Ques. Then if I understand you correctly the object of this telegram was sent in the interests of the Government ticket in St. John, so as to set the question of the Leary contract at rest in the public mind?

Ans. We felt it of great importance that as to the question whether Leary should have the contract or not should be set at rest; and it was sent more to effect the general masses of the people.

Ques. Do you not effect the masses through their leaders?

Ans. None of the leaders that I know of, with the exception of one whose name I do not care to mention, had ever expressed the slightest doubt of the sincerity of the Government.

Ques. Who was that one?

Ans. I do not care to mention his name, it is of no consequence in the enquiry, and it is not worth while making his name public.

Ques. Do you tell me that some of the City Councillors were not doubting the sincerity of the Government?

Ans. I never heard anyone doubting it; I do not know personally; I have no knowledge of that myself.

Ques. This gentleman was a considerably influential man, was he not?

Ans. He was a man of some influence. I do not think of much influence but of some influence.

Ques. Then it was important to set his mind at rest?

Ans. No, I did not think of that man's doubt.

Ques. You thought that the effect of this would be to strengthen your party? Ans. That was the object.

Ques. And to strengthen your Government you had the contract signed? Ans. Nothing to do with it.

Ques. Was Leary anxious at all about it?

Ans. From the third of January Mr. Murray stated he was desirous of having it signed at once and further than that it was represented by persons to us, that Leary was anxious to proceed immediately to Ottawa and shew Sir John Macdonald that he had the contract with the City and the Local Government, as you say he did not go, but I understand that since then he has been unwell in his home in New York. True he was in St. John once since then but he was then ill.

Ques. Do you tell me that the fact of his getting that contract signed in a hurry the way it was, then Murray getting it up here and

getting the seal of the Province on it and then sending it right on to New York, that that had nothing to do with the allaying of public feeling in St. John?

Ans. Yes I say it had not and for that reason neither Mr. Murray or Leary directly or indirectly ever expressed the slightest doubt, but they felt that the Government had committed itself to give the subsidy to Leary from the third day of January.

Ques. The Government committed itself and only committed itself by that Order-in-Council, and you know that?

Ans. And by the letter of the Provincial Secretary and that absolutely committed them to Leary.

Ques. That is not the conditional contract in evidence now?

Ans. The contract was a mere matter of form.

Ques. Do you tell me that the contract was a mere matter of form?

Ans. Only a matter of detail.

Ques. Then tell me what amount was agreed upon when you say "Extra Provincial aid should be given"?

Ans. When I say a matter of form I mean it was a mere matter of detail in preparing it, because the subsidy had been awarded on the third of January by the Order-in-Council. There was no agreement whatever as to any additional amount and the contract lapsed after sixty days if there was nothing done, but it is a matter of law if the work is commenced whether it is off or not.

Ques. You heard that gentleman swear that the work had not been commenced?

Ans. I do not know about that, but if he had not commenced in sixty days it would be off.

Ques. You heard the Attorney General say it was off and gone?

Ans. I heard him say that.

Ques. He is the leader of the Government, is he not? Ans. Yes.

Ques. Do you know yourself now whether it is off or on?

Ans. I really do not know whether off or on. I saw something in the newspapers of something being done which might show commencement of work, but I have no knowledge personally of that at all.

Ques. You heard that gentleman himself swear that there was not a single thing done in connection with the work?

Ans. Yes, I heard him say that.

Ques. And I think that would be a better authority than any newspaper article which might have been paid for. Do you know whether the contract is off or on? Ans. I do not know.

Ques. Then notwithstanding your great interest in St. John, you have not taken the trouble to ascertain whether the work under that contract has gone on or not?

Ans. I would rather come to the conclusion that it is not very satisfactory to take a deep interest in public works anyway.

Ques. You have come to that conclusion, have you?

Ans. Well, you do not get much thanks for it.

Ques. And the result is that you have not taken any interest in seeing whether this important contract has been carried on or not?

Ans. None whatever.

Ques. You are disgusted with St. John?

Ans. I love it just as well as ever.

Ques. You do, and since the last election?

Ans. I think the people were misled by a false cry which you yourself deprecated.

Ques. Thinking it over since tea have you been able to fix whether or not the contract was signed in the election rooms or elsewhere?

Ans. I have not been thinking it over since tea. Since I have been on the stand before my recollection is no better. I cannot remember where it was signed; it would either be in my office, according to my judgment, or in the rooms of the Executive Committee. Wherever I could see Mr. McLellan most conveniently.

Ques. Which you do not know?

Ans. I do not remember.

Ques. Did you see Mr. Murphy before he started for Fredericton with that money? Ans. No, I did not.

Ques. Mr. Kelly was the gentleman who had all to do with it?

Ans. So far as I was concerned and so far as I know, yes.

Ques. And if I understand you rightly, he was the one who on two occasions had spoken of sending this money?

Ans. Well, the first occasion would be prior to my going to Harvey--yes, there were two occasions.

Ques. On both of those occasions did he volunteer the information that he would send it?

Ans. No, the first time he did not speak of sending it himself, but said "Our friends are raising it"; the second time he said that he would send it.

Ques. He readily volunteered that? Ans. Yes.

Ques. He did not seem to hesitate about it?

Ans. I do not remember that he did.

Ques. You never heard any condition being attached to it until you heard it here, did you?

Ans. I never heard any condition at all at any time.

Ques. Until you heard it here. It rather astonished you when you heard it was subject to conditions, did it not?

Ans. It was because I supposed that it would be delivered to Mr. Barry that night and therefore I was surprised it had not been, I was indeed.

Ques. What arrangements or understandings were there there between Kelly and Leary, if any, you do not know?

Ans. I know nothing about them. Never had any communication or any knowledge whatever.

Ques. Kelly was the most active man in suggesting the sending of the money? Ans. Yes.

Ques. And he was the only one there that you remember when it was done? Ans. Yes.

Ques. (Mr. Atkinson). This telegram read in the Mechanics Institute makes the statement that Leary was informed by his agent that the contract was signed? Ans. Yes.

Ques. You say this was done to counteract the canvass floated by the Opposition? Ans. Yes.

Ques. Then you say the contract was not signed with a view of satisfying any persons who were dissatisfied with the Government in St. John? Ans. I do not quite understand you.

Ques. In the first place you made a statement that none of these prominent men were dissatisfied, with one exception, that the Government would not give the contract to Leary?

Ans. I never heard but one.

Ques. Then this telegram coming from Leary or his son states the contract was signed?

Ans. Yes, and it expressed the hope that they would vote for the supporters of the Government.

Ques. And the purport of that telegram was to convince the people that the Government was in earnest?

Ans. That I think was the purport. That was the object that influenced our friends that we consulted about it.

Ques. Could you tell what day it was you had this conversation with Kelly about sending the money?

Ans. My recollection is that the first time was on the same day that I went to Harvey, that would be on the fifteenth, and it was in con-

nection with the statement that I had made as to obtaining the Attorney General to address the public meeting, and that he knew that it he could be induced to come down our friends would be able to assist him towards the election expenses in York. I had the second conversation with him on Thursday, the day I returned from Harvey. I may say here that I had nothing whatever to do with money matters. I did not handle the money or anything like that, except that I made a little contribution myself towards the election expenses. I know in one of the conversations just about that time, there was talk of sending some money to Westmorland to help Mr. Hanington, but I cannot speak as to money matters, not having any connection with them.

Ques. (Mr. Phinney). Was it understood that this money was to be paid in by any particular section of the party in St. John?

Ans. There was no understanding with me of anything of the kind at all.

Ques. So far as your conversation with Kelly went about it, was there? Do you not know it was contributed by the wing of the party more directly interested in the Ritchie appointment?

Ans. I have no knowledge or idea of where it came from, or what reasons operated upon their minds. I heard our friends speaking of Mr. Hanington's attitude, and he was looked upon as being favorable to us.

Ques. Was that the reason for the money being talked of for Westmorland?

Ans. I have a very indistinct recollection of the matter in reference to Westmorland.

Ques. You do not know whether it was that wing of the party that was contributing the money to York?

Ans. All I know is that Kelly would send it up on Wednesday. On the first occasion he said that our friends would do something.

Ques. Did you understand from Kelly it was a contribution out of his own pocket?

Ans. When Kelly told me he would send the money up, I did not understand where it would come from or anything about it. It was after I came from Harvey that he told me the money would be sent up by him.

Ques. (Mr. Atkinson). Was there any other County mentioned except Westmorland and York?

Ans. I heard of none. Of my own knowledge I might say I do not

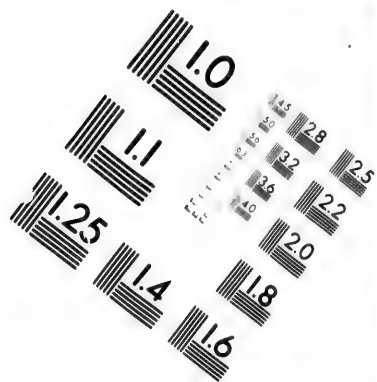
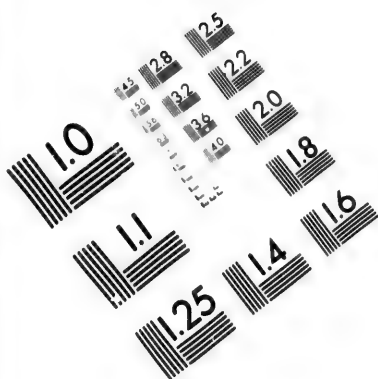
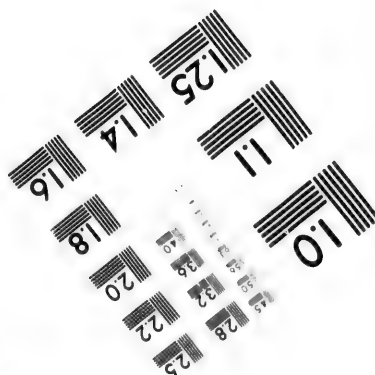
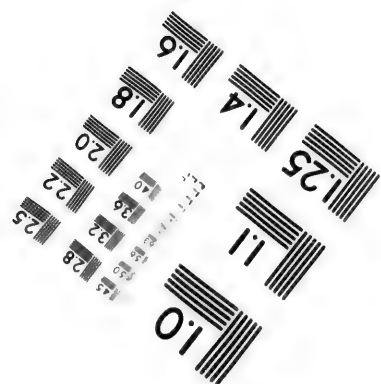
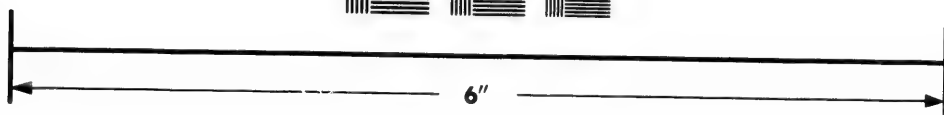
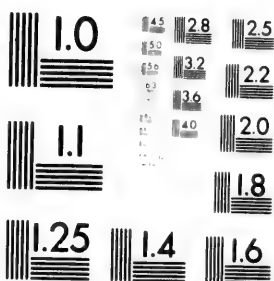


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know that the fifteen hundred dollars sent to York would go far towards the legitimate expenses incurred in St. John.

Ques. (Mr. Mitchell). Was not Mr. Kelly, up to a recent date, a strong opponent of the Government?

Ans. It seems to me that Kelly had run on the ticket formed against the Government. He was spoken of as a candidate. I think it was at a previous election that Mr. Kelly opposed the Local Government, but I understand that after the appointment of Mr. Ritchie, Mr. Kelly announced himself publicly as approving of the conduct of the Government in making that appointment, and said he was going to support it. I know that he and some of his associates felt warmly towards the Government in consequence of the stand taken by it in the matter of that appointment, and so expressed themselves.

Ques. (Mr. Wilson). Did you ever offer four thousand dollars or six thousand dollars to any person to get this contract for Leary?

Ans. I never did.

Ques. Did you ever authorize any person to make such a statement on your behalf to anybody, to the Dominion Government, the City Council or anybody?

Ans. Never to any person whatever, directly or indirectly, and I never heard of such a thing being done.

Ques. What time was it you say your brother was sick in Boston?

Ans. He was sick in Boston for at least five weeks. He went there late in December, and my impression is that he did not get back till some time in February. He was in Boston all the time. I wish to make this statement: I never knew of there being any arrangement, nor did I ever hear of any arrangement being made or of any understanding being come to of any description between Mr. Blair or any member of the Government and Mr. Leary or anyone on his behalf, under which Mr. Leary was to get the contract for the dock in condition of his contributing to assist in the election. I never heard anything of the kind, I never knew anything of the kind. I also wish to say that I have stated that on the occasion I saw the Attorney General at Harvey, he told me that he had not time to look over the contract. I have been trying to think since of what I then told him as to it. I can only now recall to memory that I mentioned to him that I had provided in the agreement for the plans and specifications being subject to the approval of the Governor in Council. I do not recollect mentioning anything else to him. He was very busy at the time, and he told me he had confidence in my attending to it properly. That is all that took

place in reference to it. I was in error before tea when I stated as I did. I understand that Mr. Blair said I did not make any explanation in detail, and I wish to correct my statement in that particular. Mr. Blair was very busy at the time, he had other things to think of, and went right off to the meeting, and then was busy right along talking to the people and I had very little opportunity indeed of speaking to him.

Ques. (Mr. Hanington). The despatch that came back from Leary in New York was agreeably to the request for it, was it not?

Ans. I think so.

Ques. As it came back it was to meet the views of those who sent it, that is in its terms, was it not? Ans. I never heard about it.

Ques. Was it not dictated as the telegram to be sent?

Ans. I do not know. I could tell better if we had the despatch that was sent to him. I have no objection to having it produced here if it is important.

Ques. So far as you remember did it meet the wishes of those who sent for it in its terms?

Ans. I heard no complaint about it at all.

Ques. Who else know about it?

Ans. Some two or three of the Executive Committee. I do not care about mentioning their names. I am sure Kelly was not one of them. I have no recollection of Kelly in that connection at all. At that time I think Mr. Kelly stated he had sickness in his family.

Ques. So far as you know all the subscriptions to the election fund were for the same fund?

Ans. I know nothing whatever of that kind at all.

Ques. There was no discrimination made between funds?

Ans. I have no knowledge about money matters at all.

Adjourned until 10 a. m., to-morrow.

COMMITTEE ROOM,

APRIL 16th.

Committee met at 10.45.

Mr. Hanington wished to know the determination of the Committee as to the sending for the witnesses whom he had asked for, Mr. Robertson and Dr. Barker.

Mr. Phinney stated that since last evening information had been communicated to him that led him to the conclusion that it would be advisable that they should be summoned. He was not going to press it, however.

Mr. Wilson — Do you feel called upon to inform the Committee as to the bearing the evidence of these witnesses will probably have upon the investigation?

Mr. Phinney stated that he was prepared to do so, whereupon the Committee deliberated for a short time with closed doors.

Mr. Wilson then stated, that the Committee, in view of the statements Mr. Phinney had made, and in view of the evidence given yesterday by Mr. Pugsley and Mr. Murray, and further in view of what the Committee were informed these gentlemen could prove, had come to the conclusion that the evidence of these gentlemen could not affect the investigation in any way. This was the decision of a majority of the Committee, consisting of Mr. Hetherington, Mr. Mitchell and himself.

Mr. Hanington—I have no further witness to call. I regret that these men were not called, because I thought they were very important witnesses.

Hon. Mr. Pugsley stated he had one witness to call. He would call Dr. Atkinson.

MARCUS C. ATKINSON, *Sworn and Examined by Hon. Mr. Pugsley:*

Ques. In the charge which you made in the House, you stated that you were creditably informed that you could establish by satisfactory evidence, that in anticipation of the general Provincial elections held in January last, an agreement or arrangement was entered into by the Hon. Andrew G. Blair, Attorney General and leader of the Government, and one James D. Leary and other persons interested in the making and procuring from the Government to the said J. D. Leary of a contract for the construction of docks and harbor improvements in the City of St. John, whereby the said J. D. Leary by himself and his agents or such other persons, agreed to furnish a large sum of money to assist and aid the said Andrew G. Blair and his colleagues in securing their election and the election of some of his supporters in consideration that the Provincial Government would enter into and deliver to the said J. D. Leary, or in his name, a contract for the construction of certain dock and harbor improvements in the City of St. John. Now, I will ask you who gave you that information?

Mr. Hanington objected — not relevant. That is not the inquiry here. As a member of the House of Assembly he is not obliged to answer who spoke to him. It is a question of privilege.

Hon. Mr. Pugsley — I press the question.

Mr. Phinney — I am somewhat surprised at the Solicitor General pressing a question of that kind. Dr. Atkinson being a member of the Legislature and having made this charge. He may have obtained information which he would not care to divulge. The real question is as to the truth of the charge afterwards.

Hon. Mr. Pugsley—I think if the witness is willing to answer, his counsel has no right to interpose.

Mr. Phinney—He has a perfect right to interpose and inform him what his rights and privileges are.

Mr. Hetherington—My views are that we should have anything touching the matter in question. This seems to be the very essence of the question at issue.

Hon. Mr. Mitchell—I think the Committee is entitled to know the source of the information in order that we may judge as to its credibility.

Mr. Hanington—The question is whether the charges are true or not, not as to their source of information.

Mr. Wilson—My impression is against the question. (Ruled out).

Ques. (Mr. Pugsley). I will ask you whether it was not Mr. George F. Gregory? (Objected to. Must be ruled out being on same principle as the last question).

Hon. Mr. Pugsley—Dr. Atkinson, a member of the House of Assembly, has thought proper to prefer a charge of the very gravest character against the leader of the Government. In support of that charge he has not produced a tittle of evidence. The Committee have to report to the House. I think it is material for the House and for this Committee to know whether Dr. Atkinson has made this charge after taking reasonable efforts to ascertain the correctness of the information which was imparted to him, or whether he has made this charge upon the mere statement of a violent political partizan without making any effort to satisfy himself of the truthfulness of the statements which were made to him. I think that is a most material fact for this Committee to inquire into, and the House to be informed on. It seems to me the accuser is placed in a very different position where he acts upon the suggestions of a disappointed and defeated candidate like Mr. Gregory, than if he had got his information from a disinterested source.

Mr. Hanington — I say that Dr. Atkinson, as a member of the House, having been informed of the facts that would make up the charge, had a perfect right, and it was his duty to bring it. This is not the p e

to try whether Dr. Atkinson had the proper information or not. Dr. Atkinson informed me of the information he had, and I say that as far as I knew he had good reason to believe that the witnesses would prove the charge. The exclusion of evidence on this inquiry has prevented proof of some material facts as I thought that would make up the proof of the charge. Where Dr. Atkinson got his information he is not bound to tell. It is no part of the inquiry, and this Committee cannot enforce it. The last question was ruled out and properly so, and this is in the same category. Furthermore he is cross-examining his own witness. It would seem to me that these questions are more given for political purposes than for the purposes of this inquiry.

Mr. Phinney said the question was not in the line of the inquiry, but the very reverse. Whether the informant of Dr. Atkinson was a violent political partizan or not, if the latter believed that he could place confidence in that information, he had a right to make the charge. The question as to whether the evidence sustains the charge is another matter altogether. But this seeking to place another and a third party upon trial before this Committee seems to me an outrageous and discreditable course to pursue.

Hon. Mr. Mitchell and Mr. Hetherington favoring the reception of the question, Mr. Wilson said, while in view of the fact that this charge was made, no doubt in the public interest, those who gave the information ought to have no objection in view of the public interest that it should be known they had given the information, yet as the question was in the same category as the last, he would rule it out.

Ques. (Hon. Mr. Pugsley). Do you decline to state whether it was Mr. George F. Gregory who gave you the information?

(Objected. Allowed per Mitchell, Hetherington and Wilson).

Ques. Do you decline to tell me whether it was not Mr. George F. Gregory who first gave you the information on which you made the charge?

Ans. I decline to state whether I decline or not.

Ques. Tell me whether or not it was Mr. George F. Gregory who drafted the charge which you presented to the House?

Mr. Hanington objected. We are not here to inquire who drafted it. I know it was not drafted by Mr. Gregory, and if you can ask this witness this question, you can ask him who did draft it. However, I will withdraw my objection to it if it goes no further.

Hon. Mr. Pugsley — Then I will withdraw the question and put it in this way —

Ques. I want you to tell me who drew up the charge which you presented to the House? (Objected).

Ques. Now, Doctor Atkinson, you remember when you presented this resolution to the House? Ans. Yes.

Ques. Do you remember when you first got up, stating in answer to the Speaker, that by the term "colleagues" you meant Mr. Blair's colleagues in the County, and after recess getting up and addressing the Speaker, and stating you did not know then just what it meant, but now you were informed it meant "colleagues in the Government?" Do you remember that? (Objected).

Ques. Did not that take place just as I have stated?

Mr. Hanington objected. (Irrelevant). The statement is not true as the Solicitor General puts it, and this is not the place to inquire into that matter.

Mr. Phinney thought these questions were simply being asked to have them ruled out for the purpose of effect.

Hon. Mr. Mitchell and Mr. Hetherington thought the question should be answered, and Mr. Wilson decided in favor of its admission.

Ques. (Mr. Pugsley). Do you decline to answer that?

Ans. Well, I will make a statement. When I read the charge and when the Speaker afterwards read the charge from the chair and put the question to me as to what I meant by "colleagues," of course I had not the paper in my hand, and I did not see the words that immediately followed the statement of "colleagues." After tea on looking the matter over I saw that the words "and the election of some of his supporters" followed the statement of "colleagues," and of course the first statement I made to the Speaker was an incorrect statement of the contents of the resolution.

Ques. (Hon. Mr. Pugsley). Then, Doctor, you did not draft the charge. (Objected to).

Hon. Mr. Pugsley — The Doctor has voluntarily made an explanation and I think I have a right to follow it up. (Ruled out).

Ques. Was not your ignorance of what the term "colleagues" was intended to mean due to the fact that you had not drafted the resolution but that it was drafted by somebody else?

Mr. Hanington objected. The statement that Dr. Atkinson has made as to what he said in the House was not a voluntary explanation, but in answer to the Solicitor General's question whether he himself drafted it or somebody else, is not relevant to the inquiry.

Mr. Phinney—I think Dr. Atkinson has already given an explanation

of how he came to make the statement he did in the House. I want again to express my opinion that the inquiry in the direction it is now taking is entirely apart from the objects of this investigation.

Mr. Mitchell thinks the Solicitor General has the right to probe the witness's statement. Mr. Hetherington concurs.

Mr. Wilson—I will allow it.

Witness—Well, I don't think it was.

Ques. I ask you whether after this party gave you this information you communicated with any of the Aldermen in St. John who were called here as witnesses or with Mr. Murray in order to satisfy yourself of the truthfulness of the information you had received before preferring the charge?

Mr. Hanington—I object to this on the ground that what communications he may have had, or whether he communicated or not, has nothing to do with this inquiry. I say further, that if Dr. Atkinson had consulted me, as a general rule, I would have advised him personally not to have seen these people, whatever he may have done with other people. It is not relevant to this inquiry.

Mr. Phinney—I don't think it is relevant to the inquiry. It is an attempt to obtain information for political purposes.

Mr. Hetherington—I think a gentleman taking up a report like that on the street ought to satisfy himself of the truthfulness of it before making a charge of this kind against a member of the House.

Hon. Mr. Mitchell—I am of the opinion that a good many things have been pursued in the course of this inquiry for political purposes, and probably the Solicitor General is now following the example Mr. Hanington has set. At the same time I think the question should be answered.

Mr. Wilson—My opinion is that Dr. Atkinson can state whether he did communicate with these parties.

Mr. Hanington—I tell my client that he need not answer unless he pleases.

Witness—I decline to answer.

Ques. (Mr. Pugsley). Now, Doctor, before you preferred this outrageous charge against Mr. Blair, that he had made a corrupt bargain with Mr. Leary, as alleged in the charge, did you go to him and tell him what you had heard, and ask him whether it was true or not?

Ans. No, I did not.

Ques. Did you go to any member of the Government and ask him whether the information you had received was true or not, or ask an explanation with reference to it?

Mr. Hanington objected. He would be a fool had he done so.

Mr. Phinney — I am of the opinion that this question is not in the slightest or remotest degree pertinent to the inquiry for which this Committee is established.

Mr. Mitchell and Mr. Hetherington think the witness should answer the question.

Mr. Wilson — As no objection was raised to the question immediately preceding it, I will allow it.

Mr. Hanington — I advise Dr. Atkinson that he need not answer it.

Witness — I consulted with no member of the Government.

Ques. I ask whether you went to any member of the Government stating what you had heard and asking an explanation?

Ans. I did not.

Mr. Wilson — I understand the evidence is now all in.

Mr. Hanington — I ask the privilege of being heard before the Committee before it makes a report.

Committee adjourns till 7 30 o'clock this p. m.

The Committee met at 7.30 o'clock, p. m., pursuant to adjournment, when the Chairman stated to Mr. Hanington that it was not proposed by the Committee to hear any address from Counsel upon either side, and that he (Mr. Hanington) would have an opportunity of making his argument before the House on the report. The majority of the Committee then having agreed upon a report to be submitted to the House, the Committee adjourned *sine die*.

INDEX

TO EVIDENCE AND PROCEEDINGS.

	PAGE.
George I. Gunter.....	7
William H. Berry.....	27
M. George Murphy.....	34
Jeremiah H. Barry.....	58
John Kelly.....	79
Jas. G. Byrne.....	123
W. S. Hooper.....	127
John McGoldrick.....	130
Jas. O. Stackhouse.....	138
A. G. Blair.....	150
David McLellan.....	174
James Murray.....	211
William Pugsley.....	248
Marcus C. Atkinson.....	282